

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
Joint City Council & Planning Commission Special Meeting Agenda
7:00 p.m., Tuesday, October 28, 2014
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL SPECIAL MEETING TO ORDER

II. BUSINESS AGENDA

- A. Present Planning Commission Recommendations for the Regional Business Zone, Transportation Element, and Public/Semi-Public Zone - Debbie Bent, Community Development Director; Lauri Anderson, Senior Planner; and Planning Commissioners

[Agenda Bill & EXHIBIT 1](#)

[EXHIBIT 2 - Memo](#)

[EXHIBIT 2 - Attachments 1 & 2.](#)

[EXHIBIT 2 - Attachment 3](#)

[EXHIBIT 3 - Memo](#)

[EXHIBIT 3 - Attachment 1](#)

[EXHIBIT 3 - Attachments 2 & 3](#)

[EXHIBIT 4 - Memo & Attachments 1-4](#)

[EXHIBIT 5 - Memo & Attachment 1](#)

[Public-Private Facilities Properties PowerPoint.pdf](#)

[Regional Business PowerPoint](#)

[Transportation Element PowerPoint](#)

III. COUNCILMEMBER REPORTS & COMMENTS

IV. ADJOURNMENT

UPCOMING MEETINGS:

Thurs., October 30, 2014 7:30-8:30 p.m. Meet the Developer for Kenmore Village

Mon., November 3, 2014 5:30 p.m.

City Council Special Meeting

Tues., November 4, 2014 7:00 p.m.

Planning Commission Regular Meeting



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Joint meeting with the Planning Commission to discuss recommendations on the 2014 docket: Regional Business Zone amendments, Transportation Element, and revised designations for three Public/Private Facilities properties Proposed Council Action/Motion: Hold a joint meeting with the Planning Commission to hear their recommendations on several items from the 2014 docket and provide feedback.	For Council Meeting Agenda of: 10/28/14 Department: <u>Community Development</u> Prepared by: <u>Debbie Bent, Community Development Director and Lauri Anderson, Senior Planner</u> Initial & Date Approved by Department Head: <u>DS 10/10/14</u> Approved by City Attorney: <u>N/A</u> Approved by Finance Director: <u>Jmg 10/14/14</u> Approved by City Manager: <u>RJK</u> Exhibits/Attachments: 1. Amendment decisional criteria 2. Staff Memo on the Regional Business Zone project, with attachments 3. Staff Memo on the Transportation Element update, with attachments 4. Staff Memo on three Public/Private Facilities properties (former fire station, former police precinct, former library), with attachments 5. Executive Recommendation
Expenditure Required \$0	Amount Budgeted: Total \$278,501. \$90,000 of this amount is budgeted in the Community Development budget for implementation of the comprehensive plan and downtown plan (including \$30,000 for assistance with update of the transportation element). \$188,501 is budgeted for update of the transportation element in the Engineering and Environmental Services budget. Perteet Contract 12-C1082 Task Order 4 for \$188,501 is for the transportation element update. Appropriation Required \$0
<u>INFORMATION/BACKGROUND:</u> On 1/27/14, the Council approved the Planning Commission docket (work program) which included the continuation of the Regional Business (RB) zone project (including an analysis of view issues in the area), an update of the Transportation Element, and a review of Comprehensive Plan and zoning designations for three former public properties (fire station, police precinct, library). Over the past year, the Planning Commission has reviewed these items, heard public comment, held public hearings (9/2/14, 9/16/14 and 10/7/14) and made their final recommendations.	

I:/City Clerk/Agenda Items/Templates

At the 10/28/14 joint meeting, the Planning Commission will present their recommendations on these projects for Council review and feedback. On November 17, a joint meeting will be held to present recommendations on another 2014 docket item—the updated Surface Water Element of the Comprehensive Plan (part of the 2015 Comprehensive Plan update).

The City Manager and Assistant City Manager have prepared an “Executive Recommendation” (Exhibit 5) recommending changes to two components of the Planning Commission recommendation on the Regional Business zone project. The Executive Recommendation is that the height limit in the Waterfront Commercial zone be increased to 50’ if a 30% view corridor is provided across the property and that multifamily be a prohibited use in the Regional Business zone north subarea (between NE 175th Street and SR-522).

City Council adoption of the recommendations is planned for the 12/8/14 City Council meeting. The City Council is not required to hold a public hearing on the proposed amendments unless a modification is proposed that is not within the scope of the alternatives available at the Planning Commission hearing. Staff recommends that if the City Council wishes to take up the Executive Recommendation related to multifamily uses, a public hearing be held as prohibiting multifamily in this area was not considered during the Planning Commission public hearing. The height issues in the Waterfront Commercial zone were fully addressed by the Planning Commission and staff does not believe that an additional public hearing would be required, unless desired by the City Council.

Exhibit 1 includes the decisional criteria for Comprehensive Plan and development regulation amendments. Staff and the Planning Commission have reviewed these criteria and conclude that the amendments conform. Exhibits 2-4 contain summaries of the amendments, as well as the proposed amendment language.

We encourage Council to contact staff with questions or concerns about the recommendations prior to the October 28 meeting so that staff and the Planning Commission will be prepared to address issues on the 28th.

FISCAL CONSIDERATION:

None at this time.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

- Goal 1—To focus and emphasize multimodal transportation safety in the City of Kenmore with a specific focus on pedestrian, bicycle and other means of travel (Transportation Element);
- Goal 2—To continue to implement the Economic Development Plan with an emphasis on four key points: promote the Image of Kenmore, develop Downtown, support existing businesses, advance the City’s connection to the waterfront (Regional Business zone project and review of former public facilities properties);
- Goal 3—To continue to seek transportation funding and mitigation for State impacts on the City’s transportation system, air and water quality, and noise, including but not limited to, SR522, Sammamish River Bridge, local roads and Lake Washington sediment depths (Transportation Element);
- Goal 4—To accelerate implementation of the Sidewalk Plan by determining various funding options (Transportation Element);
- Goal 5—To advance the public’s access and connection to the waterfront (Regional Business zone project);
- Goal 6—To continue to seek opportunities to complete a successful Lakepointe (Regional Business zone project);
- Goal 9—To establish a 6-year financial plan for the future (Transportation Element);
- Goal 10—To conduct a comprehensive review of the Regional Business Zone (Regional Business zone project).

Exhibit 1

19.20.080

Kenmore Municipal Code

1. One fee waiver is allowed per *applicant* per year.

2. The fee waiver request shall only be granted in the following cases: requests involving a topic of a *city-wide* nature; or a neighborhood-wide request; or a request made by a nonprofit organization when involving more than one property. Fee waivers are not allowed for *site-specific comprehensive plan land use map amendments*.

3. *City-Sponsored Proposals Exempt*. *City-sponsored* proposals are exempt from application fees.

G. Unless one or more of the submittal requirements outlined in this section is waived by the *city manager*, then an application that does not contain all of the submittal requirements so enumerated by the deadline set forth in KMC 19.20.060(B) shall be considered incomplete and ineligible for consideration in the annual amendment cycle. [Ord. 11-0329 § 3 (Exh. 1).]

19.20.080 Threshold review criteria.

The *city* shall use the following criteria in selecting proposals for further consideration in the annual *docketing* process. Proposals shall meet subsections A and B of this section, and either subsection C or D of this section:

A. The *city* has the resources, including staff and budget, necessary to review the proposal; and

B. It has been more than two years since the proposed amendment has been considered unless a compelling reason for changed circumstances can be made; and

C. The proposal would correct an inconsistency within or make a clarification to a provision of the *comprehensive plan*; or

D. All of the following:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the *comprehensive plan*; and

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later *sub-area plan* review or plan amendment process. [Ord. 11-0329 § 3 (Exh. 1).]

19.20.090 Amendment decision criteria.

All proposed amendments, whether or not considered through the annual amendment process, must meet the decision criteria in subsection A of this section. If the proposal is a *site-specific comprehensive plan land use map amendment*, then it

must meet the decision criteria of subsections A and B of this section. If the proposal is an amendment to *development regulations*, then it must meet the decision criteria of subsections A and C of this section.

A. **Review Criteria Applicable to All Proposed Amendments.** All proposed amendments must meet the following criteria:

1. The proposed amendment is consistent with the Growth Management Act and the county-wide planning policies; and

2. The proposed amendment eliminates an inconsistency or does not create an inconsistency within the *comprehensive plan*; and

3. The proposed amendment meets at least one of the following criteria:

a. The proposed amendment is beneficial to the *city* as a whole and will not adversely affect public health, safety, and welfare; or

b. The proposed amendment addresses changed circumstances within the *city* as a whole; or

c. The proposed amendment accommodates new policy direction from the city council.

B. **Additional Review Criteria Applicable to Site-Specific Amendments.** All *site-specific comprehensive plan land use map amendments* must meet the following additional decision criteria:

1. The proposed amendment is consistent with the policies, objectives and goals of the *comprehensive plan* (including any applicable *subarea plans*), the countywide planning policies and the State Growth Management Act; and

2. The subject property is suitable for development in conformance with the standards under the classification being proposed; and

3. The proposed amendment is compatible with adjacent and nearby existing and permitted land uses; and

4. The proposed amendment is compatible with the surrounding development pattern; and

5. The proposed amendment meets the zoning map decision criteria of KMC 19.30.210 and 19.30.220.

C. **Additional Review Criteria for Development Regulations.**

1. The proposed amendment is consistent with the policies, objectives, and goals of the *comprehensive plan*; and

2. The proposed amendment does not duplicate or conflict with other portions of the Kenmore Municipal Code. [Ord. 11-0329 § 3 (Exh. 1).]



The City of Kenmore

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

MEMO

TO: City Council
Rob Karlinsey, City Manager

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

DATE: October 10, 2014

SUBJECT: Regional Business Zone Recommendations

The Planning Commission has completed their review of the Regional Business (RB) zoning district. They recommend creation of two new zones (Urban Corridor and Waterfront Commercial) while maintaining an area of modified Regional Business zoning (see map, Attachment 1). The purpose of the joint meeting on October 28 is for the Planning Commission to present their final zoning and Comprehensive Plan recommendations (see Attachments 2 and 3), answer any questions, and discuss any concerns in preparation for potential City Council adoption of the amendments on December 8, 2014.

BACKGROUND AND SUMMARY OF RECOMMENDATIONS

Economic Development Focus

The Planning Commission has kept their focus on the Regional Business (RB) zoning review as an economic development tool. They have consistently tried to respond to issues in ways that keep Kenmore "business friendly" and also encourage new, desirable businesses to come to the City. City Council Goal 2 for 2014-2015 is:

To continue to implement the Economic Development Plan with an emphasis on four key points:

- Promote the Image of Kenmore*
- Develop Downtown*
- Support Existing Businesses*
- Advance the City's Connection to the Waterfront.*

Policies supportive of this goal in the Regional Business (RB) zone recommendations include:

Promote the image of Kenmore

- Limit new auto service businesses along SR-522 to improve Kenmore's image from an auto strip dominated by the car to one of a pedestrian- and transit-friendly

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community. Prohibit all new auto sales businesses in the RB area. Rod Stevens, downtown consultant, has discussed the importance of corridor revitalization along SR-522. Berk and Associates, the consultant conducting a market study of the RB zone, stated that a “weakness” for Kenmore is its auto-oriented ambience.

- Eliminate “legal nonconformance” rules which give liberal expansion opportunities to nonconforming businesses (primarily industrial). Instead, these businesses would be treated as regular nonconforming businesses that can continue operation but cannot expand without a conditional use permit review.
- Increase pedestrian-friendly design standards in some areas, including along the Burke-Gilman Trail.
- Add new standards for screening of outdoor storage.
- Prohibit standalone surface parking lots in some areas and restrict their size. (Standalone surface parking lots do not include the parking associated with a business. They are pay parking lots, such as Diamond Parking lots.)
- Require site plan review for parcels adjacent to the south side of SR-522.
- Retain views of Lake Washington for existing and new development.

Support existing businesses

- Allow wholesaling businesses outright in some areas (no longer nonconforming).
- Clarify accessory uses. These uses must support the primary business, but could be an otherwise prohibited use. For example, a jail in the Waterfront Commercial zone is a prohibited use. However, the jail required at Kenmore Air Harbor by Customs is permitted as an “accessory use.”
- Eliminate P-suffix requirements for Harbour Village Marina.
- Revise development agreement language to address P-suffixes on the Lakepointe site and in the Plywood Supply Special Study Area.

Support future economic development opportunities

- Streamline/update the list of land uses.
- Eliminate the “special use” permit review process.
- Eliminate the conditional use permit requirement for light manufacturing in most of the area. Continue to prohibit heavy manufacturing.
- Eliminate the prohibition on wholesale trade in some areas.
- Eliminate the prohibition on warehousing in some areas.
- Eliminate the mixed use requirement for multifamily development in limited areas along SR-522.
- Permit new uses: ambulatory surgery center, mobile food service, etc.
- Provide a new opportunity for “development agreements” throughout the zone.
- Increase heights for non-mixed use development in some areas (from 35’ to 55’).
- Eliminate floor area ratio (FAR) restrictions.
- Increase multifamily densities throughout the area.
- Reduce design standards in some areas.

Advance the City’s connection to the waterfront

- Reduce heights and add view corridor requirements to retain views of the lake from SR-522 and upland neighborhoods.

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- Retain P-suffix requirements for Lakepointe and the Plywood Supply Special Study Area that require public access to, and gathering places and viewpoints on, the waterfront.

Land Uses

The Planning Commission's land use recommendations are the foundation of their RB zone strategy. The Planning Commission is recommending a new set of standard land use definitions—consolidating existing definitions from more than 200 down to about 50. This change provides more flexibility in use interpretations to acknowledge new types of uses that may come to the community and also simplifies the code. Staff recommends that in 2015 Council consider applying this new set of standard land use definitions to all zones. This would require a future amendment to development regulations with ordinance adoption by the Council.

Development Standards

Along with the footnote recommendations in each of the land use charts, the Planning Commission has addressed the general development standards for the RB zone. Following are their recommendations, contrasted with the existing standards:

	Existing RB standard	Recommended RB standard	Comments
Base density (dwelling units per acre)	36 du/acre	48 du/acre	This increased density is still less than that allowed in the Downtown Commercial (DC) zone and Transit Oriented District (TOD) overlay as an incentive to focus new multifamily there
Maximum density	48 du/acre if special benefits provided	72 du/acre if special benefits provided	
Minimum street setback	10'	No change	
Minimum interior setback	20' (on property lines adjoining residential zones)	No change	

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	Existing RB standard	Recommended RB standard	Comments
Base Height ¹	• 35' non-mixed-use • 65' mixed use	Eliminate this standard and replace with a maximum height	
Maximum Height		• 35' in the Urban Corridor zone west subarea, with very limited opportunities on the north side of SR-522 to go to 55' when topography mitigates view issues • 35' in the Waterfront Commercial zone, but can go to 40' with additional setbacks from property lines • 55' for all other areas	35' height limit in the Urban Corridor zone west subarea is to protect upland views. The Waterfront Commercial zone allowance to 40' with additional setbacks would prevent wall-to-wall buildings and still preserve some views. The 55' maximum height throughout the balance of the area would allow 5-story buildings. The P-suffixes would control heights of new development on the Lakepointe site and in the Plywood Supply Special Study Area (PSSA)
Maximum Floor Area Ratio (FAR)	2.5/1 for non-mixed-use 4.0/1 to 5.0/1 for mixed use	Eliminate standard	Building height and setbacks would control building size. Design standards would mitigate bulk/mass impacts
Maximum impervious surface	90%	No change	

¹Height limits may be increased when portions of the structure/building which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit.

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Design Standards:

Currently, a large portion of the RB zone is subject to design standards. These design standards, originally developed for the downtown, are to encourage pedestrian friendly development by, for example, providing pedestrian walkways, keeping buildings close to the street (and sidewalks), placing parking at the rear of buildings, minimizing blank walls, requiring windows, and specifying building materials.

There are three different sets of design standards. Design standard 1 is more intensive and requires compliance with all measures. Design standards 2 and 3 mandate a more limited set of design requirements.

The Planning Commission is recommending three changes to the design standards:

- Extend design standard 2 to the 2 parcels west of 61st Avenue NE, north of SR-522. This change is for ease of administration of the code and for consistency between all parcels in the Urban Corridor west subarea.
- In the Regional Business north subarea, convert design standard 1 to design standard 2 for all properties except those near the intersection of SR-522 and 68th Avenue NE/Juanita Drive and along both sides of 73rd Avenue NE. Design standard 2 seems more appropriate for these parcels, given the vision for the area as supportive of existing jobs generators and the new allowances for construction and trade and wholesaling businesses. The upper story setback requirements would address concerns about mass and bulk of buildings along the Burke-Gilman Trail.
- In the Urban Corridor east subarea, west of 80th Avenue NE, convert design standard 2 to design standard 3 (Kenmore Square area). Design standard 3 would reinforce a pedestrian orientation in this area. Design standards also could mitigate the new allowance of bulk retail in this area.

Outdoor Storage:

The Planning Commissions recommends adding a new code section with performance standards for all permitted outdoor storage. Standards related to setbacks, location of the outdoor storage, screening, surfacing, and lighting are recommended.

Loading Docks (Spaces):

The Planning Commission is recommending that--along with existing standards that address screening and noise reduction in areas within 100' of residential zoning--screening from the public right-of-way should be required.

View Corridors:

Although the Planning Commission is recommending reduced height limits in the Urban Corridor zone west subarea to provide some view protection, they also are

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recommending protection of view corridors on the south side of SR-522 to preserve public views of Lake Washington from SR-522. The view corridor requirements would require an open corridor across 30% of a site on the south side of SR-522 to maintain views of the lake. The location of the view corridor would be determined during permit review, based on such factors as location of view corridors on adjacent properties and existing view-obscuring development or vegetation. Parking lots and subsurface parking structures, along with open fencing, could be located in this area. A covenant would protect the view corridor in perpetuity.

Development Agreements:

Zoning Code Chapter 18.110 allows an owner of real property to enter into a development agreement with the city. A development agreement permits an applicant to depart from the development standards of the code, if offset by a benefit to the city of equal or greater benefit as determined by the city. Certain standards cannot be waived, including departures from building code requirements, critical area requirements, and surface water runoff requirements. A development agreement is approved by the City Council.

Presently, the ability to pursue a development agreement is limited to property owners in the Downtown Commercial (DC) and Downtown Residential (DR) zones, as well as to those Public Semi-Public (PSP) areas within 300' of the DC zone.

The Planning Commission recommends that the development agreement opportunity be extended to all properties in the existing RB zone, with special considerations for P-suffix requirements. Staff recommends that in the future Council consider expanding the development agreement opportunity to other zones. This would require a future amendment to development regulations with ordinance adoption by Council.

Other Related Issues

Murphy's Auction Property Rezone:

The Murphy's Auction property, at 18226 68th Avenue NE, is presently zoned Regional Business (RB) on the westerly one-third and R-48 (Multifamily Residential) on the easterly two-thirds. Amendments to the Comprehensive Plan in 2007 targeted this property for Downtown Commercial (DC) zoning on the westerly portion and Downtown Residential (DR) zoning on the easterly portion, with the expectation that the property-owner would apply for the rezoning. To date, the property-owner has not applied for the rezone.

Given that the RB zone is under review at this time, the Planning Commission recommends that the RB project implement the required rezoning—eliminating the RB zoning and changing the westerly portion of the site to Downtown Commercial and the easterly portion to Downtown Residential, consistent with the Comprehensive Plan map and the 2007 City Council direction.

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Comprehensive Plan Amendments

Along with the Zoning Code amendments, the Planning Commission is recommending amendments to the Comprehensive Plan and Future Land Use Map (see Attachment 3).

These changes describe the visions for the new zoning districts and amend policies, as necessary, consistent with the zoning code recommendations.

PUBLIC PARTICIPATION

The Planning Commission has provided numerous opportunities for public input to the Regional Business zone project and has heard from many property-owners and others. Following is an outline of the opportunities provided for public participation in addition to the regular "citizen comment" portion of every Planning Commission meeting agenda:

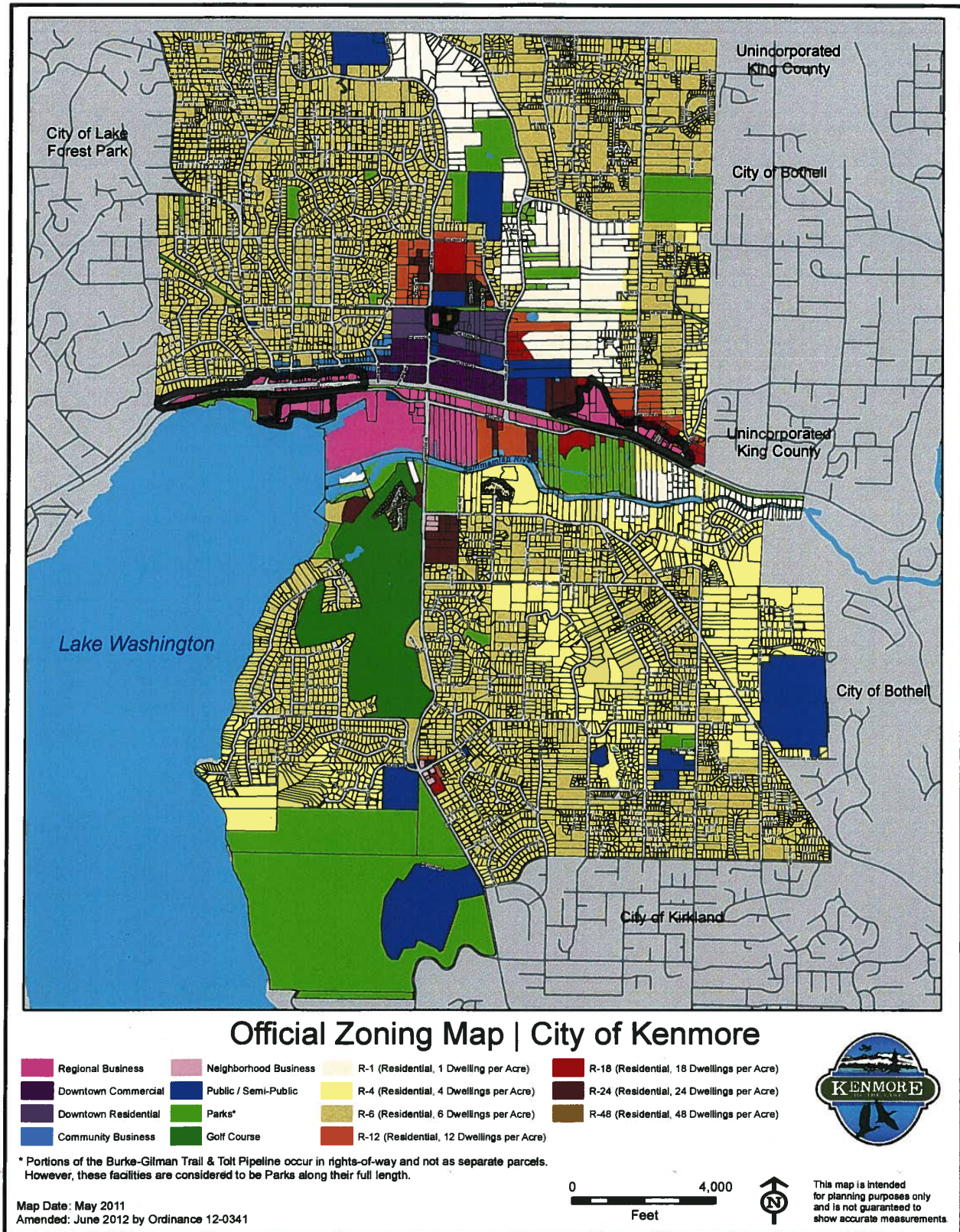
- Listserve notice of every meeting to those interested in receiving information
- Advertisement on the City's webpage with links to recommendations
- Articles in the City's newsletter
- Staff meetings with individual property-owners. Staff met with property-owners and representatives from the Urban Corridor east subarea, Plywood Supply Special Study Area, Lakepointe, Kenmore Air Harbor, and Ostrom's
- Staff telephone and email communications. Staff communicated with owners and/or representatives of the Sherwin Williams property, Pacific Topsoils, the 192 Brewery building(s), multifamily properties surrounding the Urban Corridor east subarea, Northlake Marina, Auto Buyers, Passport Travel, Murphy's Auction, Harbour Village Marina, and the Kenmore Community Club
- Interviews were conducted with stakeholders as part of the 2013 Regional Business Zone Market Analysis
- 2/4/14 Public open house to discuss land uses. All property-owners, tenants, and neighbors within 1000' of RB-zoned properties were invited by postcard mailing. The Kenmore Reporter also published an article about the open house
- 2/13/14 Presentation to the Kenmore Business Alliance
- March and April 2014: Meetings with property-owners. All property-owners were invited by certified mail to attend area-specific meetings
- 5/20/14 Planning Commission held a special meeting with property-owners in the Urban Corridor east subarea
- 6/25/14 Public open house on proposed development standards. All property-owners, tenants, and neighbors within 1000' of RB-zoned properties were invited by postcard mailing
- 9/2/14 Formal public hearing on the recommendations

Attachments

Attachment 1: Revised Zoning Map

Attachment 2: Zoning Code revisions, including subarea maps and adjustments to the Site Plan Review and Design Standards maps

Attachment 3: Comprehensive Plan revisions, including the revised Future Land Use Map



This packet contains the Zoning Code amendments recommended by the Planning Commission. The packet does not include all sections of the Zoning Code. Amendments are highlighted in yellow text. Text that is not highlighted is unchanged from the current Zoning Code.

Title 18

ZONING

Chapters:

- 18.05 Adoption
- 18.10 Authority, Purpose, Interpretation and Administration
- 18.15 Zones, Maps and Designations
- 18.20 Technical Terms and Land Use Definitions
- 18.21 Residential Zones
- 18.22 Neighborhood Business Zone
- 18.23 Community Business Zone
- 18.24 Downtown Residential Zone
- 18.25 Downtown Commercial Zone
- 18.25A Urban Corridor Zone**
- 18.25B Waterfront Commercial Zone**
- 18.26 Regional Business Zone
- 18.27 Public and Semi-Public Zone
- 18.28 Parks Zone
- 18.28A Golf Course Zone
- 18.30 Development Standards – General
- 18.35 Development Standards – Landscaping
- 18.40 Development Standards – Parking and Circulation
- 18.42 Development Standards – Signs
- 18.45 Development Standards – Adequacy of Public Facilities and Services
- 18.47 Property-Specific Development Standards/Special District Overlays
- 18.50 Development Standards – Design Requirements for Specific Uses
- 18.52 Downtown Design Standards
- 18.55 Critical Areas
- 18.57 Tree Management and Protection
- 18.60 Communication Facilities
- 18.70 Animals
- 18.73 Accessory Dwelling Units, Home Occupation, Home Industry
- 18.77 Affordable Housing

18.80 Residential Density Incentives

18.100 General Provisions – Nonconformance, Existing Legal Uses, and Temporary Uses

18.105 Site Plan Review

18.110 Development Agreements

18.115 Variance, Conditional Use, Special Use, and Zone Reclassification Permits and Modifications

18.120 Master Plans

18.125 Enforcement

Chapter 18.10

AUTHORITY, PURPOSE, INTERPRETATION AND ADMINISTRATION

Sections:

- 18.10.010 Title.
- 18.10.030 Purpose.
- 18.10.040 Conformity with this title required.
- 18.10.050 Minimum requirements.
- 18.10.055 City manager authority.
- 18.10.060 Interpretation – General.
- 18.10.070 Written interpretation of this code.
- 18.10.073 Interpretation of land uses.
- 18.10.075 Interpretation of unclassified uses.
- 18.10.080 Interpretation – Zoning maps.
- 18.10.085 Classification of right-of-way.

18.10.010

Title.

This title shall be known as the zoning code, hereinafter referred to as “this title.” [Ord. 11-0329 § 3 (Exh. 1).]

18.10.030

Purpose.

The general purposes of this title are:

- A. To encourage land use decisionmaking in accordance with the public interest and applicable laws of the State of Washington;
- B. To protect the general public health, safety, and welfare;
- C. To implement the comprehensive plan’s policies and objectives through land use regulations;
- D. To provide for the economic, social, and aesthetic advantages of orderly *development* through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
- E. To provide for adequate public facilities and services in conjunction with *development*; and
- F. To promote general public safety by regulating *development* of lands containing physical hazards and to minimize the adverse environmental impacts of *development*; and
- G. To minimize uses of land that impose negative externalities on persons or properties outside of the property on which the negative externalities are generated.

18.10.040

Conformity with this title required.

- A. No *use* or *structure* shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title.
- B. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards, and procedures of this title and KMC Title 17, Land Division.
- C. All land uses and *development* authorized by this title shall comply with all other regulations and/or requirements of this title as well as any other applicable local, State or federal law. Where a difference exists between this title and other *City* regulations, the more restrictive requirements shall

apply, except for special event permits approved and permitted in accordance with Chapter 8.40 KMC.

D. Where more than one part of this title applies to the same aspect of a proposed *use* or *development*, the more restrictive requirement shall apply. [Ord. 12-0335 § 6; Ord. 11-0329 § 3 (Exh. 1).]

18.10.050

Minimum requirements.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of this title. [Ord. 11-0329 § 3 (Exh. 1).]

18.10.055

City manager authority.

The city manager shall have the authority and discretion to administer the provisions of this title, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this title, and to enforce requirements. [Ord. 11-0329 § 3 (Exh. 1).]

18.10.060

Interpretation – General.

A. In case of inconsistency or conflict, regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary *structures* to support the *use* unless specifically prohibited or the context clearly indicates otherwise.

C. In case of any ambiguity, difference of meaning, or implication between the text and any heading, caption, or illustration, the text and the permitted use information in Chapters 18.21 through 18.28A KMC shall control. All applicable requirements shall govern a *use* whether or not they are cross-referenced in a text section.

D. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this code, all words and terms used in this code shall have their customary meanings.

E. Except for other agencies with authority to implement specific provisions of this code, the *department* may issue interpretations of this code.

F. An interpretation of this code will be enforced as if it is part of this code.

18.10.070

Written interpretation of this code.

A. The *city manager* may, acting on his/her own initiative or in response to an inquiry, issue written interpretations of any of the provisions of this code. The *city manager* shall base his/her interpretations on:

1. The defined or common meaning of the words of the provision; and
2. The general purpose of the provision as expressed in the provision; and
3. The logical or likely meaning of the provision viewed in relation to the comprehensive plan.

B. Written interpretations shall include references to affected code sections.

C. All written interpretations of this code, filed sequentially, shall be available for public inspection and copying in the *department* during regular business hours.

D. A written interpretation of this code may be appealed to the *hearing examiner*, as provided for in Chapter 19.30 KMC. [Ord. 11-0329 § 3 (Exh. 1).]

18.10.073

Interpretation of land uses.

Definitions of land uses are provided in Chapter 18.20. However, to help with administrative interpretations of land uses, the North American Industry Classification System (NAICS) land use codes and exceptions to them have been included with the definitions to provide general guidance. Strict compliance with NAICS is not mandatory. All references to NAICS are to the titles and descriptions found in the 2012 U.S. NAICS Manual prepared by the United States Office of Management and Budget, as amended. NAICS categorizes each land use under a 2- through 6-digit hierarchical classification system. Each digit in the code is part of a series of progressively narrower categories, and more digits in the code signify greater classification detail.

18.10.075

Interpretation of unclassified uses.

Upon inquiry by an *applicant*, an administrative interpretation shall be made by the *city manager* to determine if a proposed *use* not specifically classified is allowed utilizing the criteria below. Should interpretation be made that a proposed, *unclassified use* not be allowed in a specific zoning district, the *city manager* shall indicate with which zone, if any, the *use* is consistent. If the *city manager's* interpretation indicates that an *unclassified use* is not consistent with the permitted, conditional or *accessory uses* in any district, or if the *applicant* does not concur with the permit type applied to a *use*, a Type 2 appeal may be made pursuant to Chapter 19.30 KMC.

A. Criteria for *Unclassified Uses*. To determine whether an *unclassified use* is permitted, conditionally permitted or accessory, the *city manager* shall determine the *use* is:

1. In keeping with the purpose and intent of the zone, and consistent with the Kenmore comprehensive plan policies;
2. Similar in nature to, and no more intense than, a specifically listed permitted, conditional or *accessory use*;
3. Similar to the physical characteristics, supporting *structures*, scale, traffic, hours of operation, and other features of specifically listed permitted, conditional or *accessory uses*; and
4. If determined to be permissible as an *accessory use*, the *accessory use* shall be incidental, necessary and commonly found with the permitted or conditionally permitted use and consistent with the definition of *accessory uses* or *structures* in Chapter 18.20 KMC. [Ord. 11-0329 § 3 (Exh. 1).]

18.10.080

Interpretation – Zoning maps.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

A. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-street-related *uses* by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' *lot*;

B. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

C. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them; and

D. If none of the rules of interpretation described in subsections A through C of this section apply, then the zoning boundary shall be determined by map scaling. [Ord. 11-0329 § 3 (Exh. 1).]

18.10.085

Classification of right-of-way.

A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for *streets* or *alleys* shall be considered unclassified.

B. Within *street* or *alley* rights-of-way, *uses* shall be limited to street purposes as defined by law.

C. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.15**ZONES, MAPS AND DESIGNATIONS****Sections:**

- 18.15.010 Zones and map designations established.
- 18.15.020 Zone and map designation purpose.
- 18.15.040 Residential zones.
- 18.15.045 Neighborhood business zone.
- 18.15.050 Community business zone.
- 18.15.055 Downtown residential zone.
- 18.15.065 Downtown commercial zone.
- 18.15.067 Urban corridor zone.
- 18.15.069 Waterfront commercial zone.
- 18.15.070 Regional business zone.
- 18.15.080 Public and semi-public zone.
- 18.15.090 Parks zone.
- 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)
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR
Downtown Commercial	DC
Urban Corridor	UC
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. 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) 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*, 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. Allowing only those accessory and complementary nonresidential *uses* that are compatible with residential communities; and
4. 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; and
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. [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 and 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 retail or personal services which can serve the everyday needs of a surrounding urban residential area;
2. Allowing for *mixed use* (housing and retail/service) *developments* and for *townhouse developments* as a sole *use* on properties; and
3. Excluding industrial and community/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. 11-0329 § 3 (Exh. 1).]

18.15.050

Community business zone.

A. The purpose of the community business zone (CB) is to provide convenience and *comparison 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, and to provide retail and personal services in locations that are not appropriate for extensive *outdoor storage* or auto-related and industrial *uses*. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
2. Allowing for *mixed use* (housing and retail/service) *developments*; and
3. Excluding commercial *uses* with extensive *outdoor storage* or auto-related and industrial *uses*.

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

18.15.055

Downtown residential zone.

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

18.15.065

Downtown commercial zone.

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

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

18.15.067

Urban corridor zone.

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

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

New auto-oriented uses are not compatible with the intent of the urban corridor zone.

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.

18.15.070

Regional business zone.

A. The purpose of the regional business zone (RB) is to provide for the broadest mix of ~~comparison~~ retail sales, office, wholesale, and service and ~~recreational/cultural land uses~~, with compatible storage and ~~fabrication~~ light manufacturing uses, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by:

1. Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in community centers;
2. Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and
3. Concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services.

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

supporting existing businesses and encouraging compact and mixed-use development that is supportive of transit and pedestrian travel for the future.

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 ~~May 2011~~ November 2014, 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. 11-0329 § 3 (Exh. 1).]

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

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- 18.20.140 Alley.
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- 18.20.168 Animal kennel/shelter.
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- 18.20.280 Billboard.

18.20.290 Billboard face.
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18.20.1372 Hospital.

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18.20.1747 Mobile food service.
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 18.20.2640 Sign, indirectly illuminated.
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- 18.20.3030 Transitional housing facilities.
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- 18.20.3060 Transmission support structure.
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- 18.20.3075 **Transportation.**
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- 18.20.3310 Work release facility.
- 18.20.3320 Wrecked, dismantled or inoperative vehicle.
- 18.20.3330 Yard or organic waste processing.
- 18.20.3340 Zero-lot-line development.

18.20.010

Scope of chapter.

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

18.20.020

Abandoned vehicle.

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

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. 11-0329 § 3 (Exh. 1).]

18.20.040

Accessory use, commercial/industrial.

“Commercial/industrial accessory use” means:

A. A *use* that is subordinate and incidental to a commercial or industrial *use*, including but not limited to the following *uses*:

1. Administrative offices;
2. Employee exercise facilities;
3. Employee food service facilities;
4. Incidental storage of raw materials and finished products sold or manufactured on-site;
5. Business owner or caretaker residence;
6. *Cogeneration* facilities; and
7. Ground maintenance facilities.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.045

Accessory use, parks.

“Parks accessory use” means a *use* or activity which is subordinate and incidental to a *park* including, but not limited to, the following *uses*:

A. Environmental education, arts, dance, music, and other community-based and limited-term instruction.

B. Recreational and social activities, such as hiking, biking, boating and other similar recreational activities.

C. Meetings of nonprofit, social, community, and/or volunteer organizations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.050

Accessory use, residential.

“Residential accessory use” means:

A. A *use, structure*, or activity which is subordinate and incidental to a residence including, but not limited to, the following *uses*:

1. *Accessory living quarters* and dwellings;
2. Fallout/bomb shelters;
3. *Keeping household pets*;
4. On-site rental office;
5. Pools, *private docks*, piers;
6. *Antennas* for *private* telecommunication services;
7. Storage of yard maintenance equipment;
8. Storage of *private* vehicles, e.g., motor vehicles, boats, trailers or planes; or
9. Greenhouses.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.060

Accessory use, resource.

“Resource accessory use” means:

A. A *use, structure*, or part of a *structure* which is customarily subordinate and incidental to a resource *use* including, but not limited to, the following *uses*:

1. Housing of agricultural workers; or
2. Storage of agricultural products or equipment used on-site.

B. Some accessory uses within the scope of this section may be defined separately to enable the code to apply different conditions of approval. [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. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.100

Agricultural product sales.

“Agricultural product sales” means the retail sale of items resulting from the practice of agriculture, including crops such as fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat. [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).

18.20.120

Aircraft, ship and boat building.

"Aircraft, ship and boat building" means the fabrication and/or assembling of aircraft, ships or boats. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.130

Airport/heliport.

"Airport/heliport" means any runway, landing area or other facility, excluding facilities for the primary use of the individual property owner which are classified as *helistops*, designed or used by public carriers or *private* aircraft for the landing and taking off of aircraft, including the following associated facilities:

- A. Taxiways;
- B. Aircraft storage and tie-down areas;
- C. Hangars;
- D. Servicing; and
- E. Passenger and air freight terminals. [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).]

18.20.150

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).

18.20.155

Amusement and recreation services.

"Amusement and recreation services" includes ticket agencies, travel arrangement and reservation services, scenic and sightseeing transportation services, performing arts companies,

sports instruction, nonathletic recreational instruction, and sports equipment rental. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.160

Amusement arcade.

“Amusement arcade” means a *building* or part of a *building* in which five or more pinball machines, video games, or other such player-operator amusement devices (excluding jukeboxes or gambling-related machines) are operated. [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 small domestic animals (that number not including one un-weaned 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.

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. [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).]

18.20.207

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.

“Artist studio” means an establishment providing a place solely for the practice or rehearsal of various performing or creative arts, including, but not limited to, acting, dancing, singing, drawing, painting and sculpting. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.212

Arts and crafts schools/studios.

“Arts and crafts schools/studios” means schools and studios for education in various arts and crafts, including, but not limited to, photography, dance, music, and language skills. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.214

Arts, entertainment, indoor

“Arts, entertainment, indoor” means an establishment that provides facilities or services for cultural and entertainment uses inside a building. Arts, entertainment, indoor 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).

18.20.215

Arts, entertainment, outdoor

“Arts, entertainment, outdoor” means an establishment that provides facilities or services for cultural and entertainment uses outside of a building. Arts, entertainment, outdoor 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).

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).]

18.20.220

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” 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).

18.20.227

Automotive sales and service, non-marine

“Automotive sales and service” 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, non-marine, 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).

18.20.230

Base flood.

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.” [Ord. 11-0329 § 3 (Exh. 1).]

18.20.240

Base flood elevation.

“Base flood elevation” means the water surface elevation of the *base flood* in relation to the National Geodetic Vertical Datum of 1929. [Ord. 11-0329 § 3 (Exh. 1).]

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.

“Bed and breakfast guesthouse” means a *dwelling unit* or accessory *building* within which bedrooms are available for paying guests. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.260

Beehive.

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

18.20.270

Berm.

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

18.20.272

Best available science.

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

18.20.274

Best management practices (BMPs).

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

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

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

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

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

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

18.20.280

Billboard.

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

18.20.290

Billboard face.

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

A. “Billboard face I” means a billboard face not exceeding a height of 14 feet or a width of 48 feet, and may also include temporary and irregularly shaped extensions subject to the area and duration 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.

“Boat launch” is an area where ramps continue down into bodies of water so that boats on trailers can be backed into the water and launched, or where operators of hand-carried watercraft may enter the water. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.310

Book, stationery, video and art supply store.

“Book, stationery, video and art supply store” means an establishment engaged in the retail sale of books and magazines, stationery, records, tapes and CDs, videos and DVDs, architectural and art supplies, and musical instruments. This *use* also includes DVD rental establishments. [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.

For purposes of *critical areas* regulations, “buffer” means an area contiguous to a *critical area* that is required for the continued maintenance, functioning, and/or structural stability of the *critical area*. [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.

“Building, hardware and garden materials store” means an establishment engaged in selling lumber and other building materials, feed, or lawn and garden supplies. [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

Bulk retail.

“Bulk retail” means a singular indoor retail or wholesale user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Big box retail/wholesale sales can include, but are not limited to, membership warehouse clubs that emphasize bulk sales, discount stores and department stores. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.390

Business service, intensive

“Business service, intensive” 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 laundrerers, drycleaning 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).

18.20.394

Business service, standard

“Business service, standard” 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).

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.

“Campground” means an area of land developed for recreational use in temporary occupancy, such as tents or *recreational vehicles* without hookup facilities. [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. A forecast of future needs for school facilities based on the district’s enrollment projections;
- B. The long-range construction and capital improvements projects of the district;
- C. The schools under construction or expansion;
- D. The proposed locations and 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;

F. Any other long-range projects planned by the district;

G. The current *school capacity* based on the district's adopted *standard of service*, and a plan to eliminate existing deficiencies, if any, without the use of impact fees; and

H. An inventory showing the location and capacity of existing school facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.422

Car wash.

"Car wash" means a *structure* with machine-operated or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. [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. [Ord. 11-0329 § 3 (Exh. 1).]

May include NAICS 81222 (Cemeteries and Crematories).

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).]

18.20.460

Church, synagogue, mosque, temple.

"Church, synagogue, mosque, temple" 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. [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” means the limbing, pruning, trimming, topping, cutting or removal of *vegetation* or other organic plant matter by physical, mechanical, chemical or other means. [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).

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.

A. Major communication facility. "Major communication facility" means a communication facility for transmission and reception of UHF and VHF television signals; or FM or AM radio signals.

B. Minor communication facility. "Minor communication facility" means a communication facility for transmission and reception of two-way and/or CB radio signals; point-to-point microwave signals; cellular radio signals; signals through FM radio translators; or signals through FM radio boosters under 10 watts effective radiated power (ERP).

May include NAICS 517 (Telecommunications).

18.20.500

Communication facility, major.

"Major communication facility" means a communication facility for transmission and reception of:

- A. UHF and VHF television signals; or
- B. FM or AM radio signals. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.510

Communication facility, minor.

"Minor communication facility" means a communication facility for transmission and reception of:

- A. Two-way and/or citizen band (CB) radio signals;
- B. Point-to-point *microwave* signals;
- C. Cellular radio signals;
- D. Signals through FM radio translators; or
- E. Signals through FM radio boosters under 10 watts *effective radiated power* (ERP). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.520

Community residential facility (CRF).

"Community residential facility (CRF)" means living quarters meeting applicable federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services, a hospital or an ambulatory surgery center. CRFs are further classified as follows:

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

Provided, however, that this definition shall not apply to *secure community transition facilities* as defined in KMC 18.20.2465 or to *adult family homes* as defined in KMC 18.20.095. [Ord. 11-0329 § 3 (Exh. 1).]

May include NAICS 623210 (Residential Intellectual and Developmental Disability Facilities) and 623220 (Residential Mental Health and Substance Abuse Facilities).

18.20.530

Commuter parking lot.

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

18.20.540

Compensatory storage.

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

18.20.550

Conditional use permit.

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

18.20.560

Conference center.

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

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.

“Consolidation” means the relocation to a consolidated transmission structure of the main transmit *antennas* of two or more *FCC* broadcast licensees which prior to such relocation utilized transmission structures located within a 1,500-foot radius of the center of the consolidated transmission structure to support their main transmit *antennas*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.590

Construction and trade.

“Construction and trade” means an establishments that provides services related to construction and maintenance of buildings and infrastructure, and other improvements to property. Such establishments include landscape and horticultural services. This definition excludes construction and trade establishments that qualify as an professional-office by virtue of having only a business office without outside storage or fabrication. [Ord. 11-0329 § 3 (Exh. 1).]

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).

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.

“Cultural facilities” means facilities which offer passive entertainment and enjoyment activities to the general public. This definition includes, but is not limited to, museums and libraries. [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. Family child-care home;~~

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

32. Day care II – Over 12 adults or children in any 24-hour period. [Ord. 11-0329 § 3 (Exh. 1).]

Day care does not include family child-care home.

May include NAICS 6244 (Child Day Care Services).

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.

“Department and variety store” means an establishment engaged in the retail sale of a variety of lines of merchandise, such as dry goods, apparel and accessories, gifts, novelties and souvenirs, luggage and leather goods, home furnishings, and housewares. [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).]

18.20.700

Destination resort.

“Destination resort” means an establishment for resource-based recreation and intended to utilize outdoor recreational opportunities, including related services, such as food, overnight lodging, equipment rentals, entertainment and other conveniences for guests of the resort. [Ord. 11-0329 § 3 (Exh. 1).]

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).]

18.20.772

Dock.

A “dock” is a platform built out from the shore into the water providing access to boats or other watercraft or for public viewing of the water. [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.

“Dormitory” means a residential *building* that provides sleeping quarters, but not separate *dwelling units*, and may include common dining, cooking and recreation or bathing facilities. [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.

“Drop box facility” means a facility used for receiving solid waste and recyclables from off-site sources into detachable solid waste containers, including the adjacent areas necessary for entrance and exit roads, unloading and vehicle turnaround areas. Drop box facilities normally service the general public with loose loads and may also include containers for separated recyclables. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.800

Drug store.

“Drug store” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies, and tobacco stores and stands. [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. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.820

Dwelling unit, accessory.

“Accessory dwelling unit” 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. 11-0329 § 3 (Exh. 1).]

18.20.835

Dwelling, multiple-family.

“~~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.

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. 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.

“Earth station” means a communication facility which transmits and/or receives signals to and from an orbiting satellite using satellite dish *antennas*. [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).

18.20.865

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

“Educational institutions (public or private), K – 12” means a public or *private* school encompassing grades K through 12. [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).

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.

"Energy resource recovery facility" means an establishment for recovery of energy in a usable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste. [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 a given area by planting native species, removing nonnative species, installing habitat *structures*, and any other measures approved by the *City*. [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 United States Department of Agriculture Natural Resources Conservation Service or identified by a special study as having a “moderate to severe” or “very severe” *erosion* potential. [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.

“Fabric shop” means an establishment engaged in the retail sale of sewing or needlework supplies and accessories, or awnings, banners or flags. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1000

Fairground.

“Fairground” means a *site* permanently designated and improved for holding a fair, as provided in Chapters 15.76 and 36.37 RCW, or for holding similar events, including, but not limited to:

A. Carnivals;

B. Circuses;

C. Expositions;

D. Animal shows; and

E. Exhibitions and/or demonstrations of farm and home products with accompanying entertainment and amusements. [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 eight or fewer 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. 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.

“Federal Emergency Management Agency (FEMA) 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* more than one foot. [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).

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 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. 11-0329 § 3 (Exh. 1).]

18.20.1060

Flood fringe.

“Flood fringe” means that portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [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* and those areas subject to risk from *channel relocation* or *stream meander* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. [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 Administration has delineated some *flood hazard areas*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1090

Flood insurance study for King County.

“Flood insurance study for King County” means the official report provided by the Federal Insurance Administration which includes flood profiles and the *flood insurance rate map*. [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 the total area subject to inundation by the *base flood*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1120

Floodproofing.

“Floodproofing” means adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1130

Floodway, zero-rise.

“Zero-rise floodway” means the channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to *development* in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *flood insurance study for King County*, are considered the boundaries of the *zero-rise floodway* unless otherwise delineated by a *critical area* special study. [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.

“Florist shop” means an establishment engaged in the retail sale of flowers and plants. [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.

“Forest product sales” means the sale of goods produced, extracted, consumed, gathered or harvested from a forest including, but not limited to:

- A. *Trees*;
- B. Wood chips;
- C. Logs;
- D. Fuelwood;
- E. Cones;
- F. Christmas trees;
- G. Berries;
- H. Herbs; or
- I. Mushrooms. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1170

Forest research.

“Forest research” means the performance of scientific studies relating to botany, hydrology, silviculture, biology and other branches of science in relation to management of forest lands. [Ord. 11-0329 § 3 (Exh. 1).]

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, ground water 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).

18.20.1190

Furniture and home furnishings store.

“Furniture and home furnishings store” means an establishment engaged in the retail sale of household furniture and furnishings for the home. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1200

General business service.

“General business service” means an establishment engaged in providing services to businesses or individuals, with no *outdoor storage* or fabrication, including banks, brokerages, insurance offices, real estate offices, and membership organizations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1202

General personal service use.

“General personal service use” means drycleaning and laundry services, linen suppliers, diaper services, carpet and upholstery cleaning services, portrait studios, clothing alteration and repair services, beauty and barber shops, shoe repair shops, tax return preparation services, and other miscellaneous personal services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1203

General services land uses.

"General services land uses" means *general personal service use*; drycleaning plants; industrial launderers; funeral home/crematory; *cemetery, columbarium or mausoleum*; *day care I*; *day care II*; veterinary clinic; automotive repair (except tire retreading); automotive service; *miscellaneous repair*; *church, mosque, temple*; *social services* (except *day care services* and *residential care*); *stable*; *kennel or cattery*; *theatrical production services*; *artist studios*; *interim recycling facility*; medical/dental office/outpatient clinic; nursing and personal care facilities; hospital; medical/dental lab; *miscellaneous health services*; *elementary school*; *middle/junior high school*; *secondary or high school*; *vocational school*; *specialized instruction school*; and *school district support facility*. [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.

"Golf course facility" means a recreational facility, under public or *private* ownership, designed and developed for golf activities with *accessory uses* including, but not limited to:

- A. A driving range;
- B. Miniature golf;
- C. *Pro shops*;
- D. Caddyshack buildings;
- E. Swimming pools, tennis courts and other related *recreational facilities*;
- F. Restaurants;
- G. Office and meeting rooms; and
- H. Related storage facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1233

Government/business services land uses.

"Government/business services land uses" means *public agency or utility office*; *public agency or utility yard*; *public agency archives*; court; police facility; fire facility; *utility facility*; *commuter parking lot*; *private stormwater management facility*; *vactor waste receiving facility*; *construction and trade*; *individual transportation and taxi*; trucking and courier service; *warehousing and wholesale trade* (except *self-service storage*); *self-service storage*; farm product warehousing, refrigeration and storage; *log storage*; transportation service; freight and cargo service; passenger transportation service; communication offices; telegraph and other communications; *general business service*; *professional office*; outdoor advertising service; miscellaneous equipment rental; automotive rental and leasing; automotive parking; professional sport teams/promoters; research,

development and testing; *heavy equipment and truck repair; commercial/industrial accessory uses; and helistop.* [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1235

Government facilities, City.

“Government facilities, City” means facilities of any unit of *City* government. Types of facilities include municipal offices, community centers, courts of law, public works maintenance facilities, and other types of municipal facilities. [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).]

18.20.1302

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).

18.20.1305

Health services, miscellaneous.

"Health services, miscellaneous" includes home health care services, kidney dialysis centers, special outpatient facilities, such as family planning centers and outpatient mental health facilities, blood and organ banks, medical photography, and childbirth preparation classes, as well as other miscellaneous ambulatory health care services. [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).]

18.20.1320

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).]

18.20.1350

Hobby, toy, game shop.

“Hobby, toy, game shop” means an establishment engaged in the retail sale of toys, games, hobby and craft kits, including coin shops and stamp sales. [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).

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 hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to *development*, and/or a hard surface area 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, natural *vegetation*, or open uncovered flow control or water quality treatment facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1420

Individual transportation and taxi.

“Individual transportation and taxi” means an establishment engaged in furnishing individual or small group transportation by motor vehicle. [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).]

18.20.1440

Interim recycling facility.

“Interim recycling facility” means a *site* or establishment engaged in collection or treatment of *recyclable materials*, which is not the final disposal site, and including:

- A. Drop boxes;
- B. Source-separated, *organic waste processing* facilities; and
- C. Collection, separation and shipment of glass, metal, paper or other recyclables. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1470

Jail.

“Jail” means a facility operated by a governmental agency, designed, staffed and used for the incarceration of persons for the purposes of punishment, correction and rehabilitation following conviction of an offense. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1480

Jail farm.

“Jail farm” means a farm or camp on which persons convicted of minor law violations are confined and participate in agriculture and other work activities of the facility. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1490

Jewelry store.

“Jewelry store” means an establishment engaged in the retail sale of a variety of jewelry products, including gemstones and rock specimens. [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).

18.20.1530

Landfill.

“Landfill” means a disposal *site* or part of a *site* at which refuse is deposited. [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 that are potentially subject to risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1575

Lattice-work tower.

"Lattice-work tower" means a *transmission support structure* that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1580

Level of service (LOS) traffic.

"Level of service (LOS) traffic" means a quantitative measure of traffic congestion identified by a declining letter scale (A through F) as calculated in accordance with Chapters 12.75 and 12.80 KMC. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay. [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.

“Livestock sales” means the sale of *livestock* but not including auctions. [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.

“Log storage” means a facility for the open or enclosed storage of logs which may include repair facilities for equipment used on-site or operations offices. [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).]

18.20.1670

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 emphasizes conservation and use of existing natural site features integrated with distributed small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. [Ord. 11-0329 § 3 (Exh. 1).]

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).]

18.20.1676**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).

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).

18.20.16778**Manufacturing land uses.**

"Manufacturing land uses" means food and kindred products manufacture; winery/brewery; textile mill products; apparel and other textile products manufacture; wood products manufacture, except furniture; furniture and fixtures manufacture; paper and allied products manufacture; printing and publishing; chemicals and allied products manufacture; petroleum refining and related industries; rubber and miscellaneous plastic products manufacture; leather and leather goods manufacture; stone, clay, glass and concrete products manufacture; primary metal industries; fabricated metal products; industrial and commercial machinery manufacture; heavy machinery and equipment manufacture; computer and office equipment manufacture; electronic and other electric equipment manufacture; railroad equipment manufacture; guided missile and space vehicle parts manufacture; miscellaneous transportation vehicles manufacture; measuring and controlling instruments manufacture; miscellaneous light manufacturing; *motor vehicle and bicycle manufacturing; aircraft, ship and boat building*; tire retreading; and movie production/distribution. [Ord. 11-0329 § 3 (Exh. 1).]

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).]

18.20.1695

Medical/dental office/outpatient clinic.

“Medical/dental office/outpatient clinic” means establishments of licensed practitioners having the appropriate degree to practice medicine, dentistry, osteopathy, chiropractics, podiatry, optometry, and other health practitioners. This definition also includes the indoor retail sale of personal medical supplies as an ancillary operation. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1700

Microwave.

“Microwave” means electromagnetic waves with a frequency range of 300 megahertz (MHz) to 300 gigahertz (GHz). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1705

Miscellaneous repair.

“Miscellaneous repair” means repair of nonpersonal/nonhousehold items, except nonmotorized vehicle repair. This definition excludes *on-site services*. [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.

“Mobile food vendor” means retail sale of food or beverages from a cart on a nonfixed foundation which is typically removed daily at the close of business, and is located on a sidewalk or near a storefront. [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).

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.

“Mobile home park” means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes*, *manufactured homes*, or *designated manufactured homes*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1762

Modification.

For purposes of Chapter 18.60 KMC, “modification” means any structural change, addition, or alteration that was not included in an approved site plan. Modifications shall include increased heights and changes in *antenna* type. [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.

“Monopole tower” means a *transmission support structure* consisting of a single pole, without guy wires or ground anchors. [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.

“Motor vehicle and boat dealers” means establishments engaged in the retail sale of new and/or used automobiles, motor homes, motorcycles, trailers, or boats. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1800

Motor vehicle and bicycle manufacturing.

“Motor vehicle and bicycle manufacturing” means fabricating or assembling complete passenger automobiles, trucks, commercial cars and buses, motorcycles, and bicycles. [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.

“Municipal water production” means the collection and processing of surface water through means of dams or other methods of impoundment for municipal water systems. [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).]

18.20.1840

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.

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.

“Off-street required parking lot” means parking facilities constructed to meet the off-street parking requirements of Chapter 18.40 KMC for land uses located on a *lot* separate from the parking facilities. [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).

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.

“Outdoor performance center” means an establishment for the performing arts with open-air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. [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; **or**
 - 4. ~~Approved campgrounds;~~
- C. Areas and *trails* for:
 - 1. Hikers;

- 2. Equestrians;
- 3. Bicyclists; or
- 4. Off road recreational vehicle users;
- D. Areas provided under KMC 18.30.130 or 20.47.155;
- E. Facilities for on-site maintenance. [Ord. 11-0329 § 3 (Exh. 1).]

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.

“Personal medical supply store” means an establishment engaged in the retail sale of eyeglasses, contact lenses, hearing aids, and artificial limbs. [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).

18.20.2060

Pet shop.

“Pet shop” means an establishment engaged in the retail sale of *household pets, small animals*, or their supplies or grooming. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2070

Photographic and electronic shop.

“Photographic and electronic shop” means an establishment engaged in the retail sale of cameras and photographic supplies, and a variety of household electronic equipment, including radio, television and consumer electronic stores, and computer and computer software stores. [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 cost, existing technology, and logistics in light of overall project purposes, and has less impacts to *critical areas*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2104

Priority habitat.

“Priority habitat” means a habitat type or elements with unique or significant value to one or more *species* as classified by the Washington State Department of Fish and Wildlife. A priority habitat may consist of a unique *vegetation* type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34)). [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.

A “pro shop” is a *building* or room where the retail operation of a golf course takes place. The functions of a pro shop may include, but are not limited to, tee time reservations, club fitting, hand-

icap posting area, and sales of golf equipment, clothing, accessories, and similar items. [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.

“Public agency animal control facility” means a facility for the impoundment and disposal of stray or abandoned *household pets* or *small animals*. [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.

“Public agency training facility” means an establishment or school for training State and local law enforcement, fire safety, national guard or transit personnel and facilities including but not limited to:

- A. Dining and overnight accommodations;
- B. Classrooms;
- C. *Shooting ranges*;
- D. Auto test tracks; and
- E. Fire suppression simulations. [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, 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. 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 may 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. 11-0329 § 3 (Exh. 1).]

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

Recreational/cultural land uses.

“Recreational/cultural land uses” means *park; trails; campgrounds; destination resorts; marina; recreational vehicle park; sports club; adult entertainment business; theater; theater, drive-in; bowling center; golf facility; amusement and recreation services; shooting range; amusement arcades; amusement park; outdoor performance center; library; museum; arboretum; and conference center.* [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2234

Recreational facilities, indoor.

“Recreational facilities, indoor” means a place designed and equipped for the conduct of sports and leisure time activities within an enclosed space. Examples include *gymnasiums, amusement arcades, sports clubs, bowling alleys, and indoor swimming pools.* This definition excludes *sports arenas, shooting galleries, and outdoor recreation facilities.* [Ord. 11-0329 § 3 (Exh. 1).]

“Recreational facility, indoor” means an establishment that provides facilities or services for recreational uses inside a building. Recreational facility, indoor 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).

18.20.2237

Recreational facilities, outdoor.

“Recreational facilities, outdoor” means a place designed and equipped for the conduct of sports and leisure time activities with little or no enclosed space. Examples include: *private outdoor tennis courts, private outdoor swimming pools, batting cages, miniature golf courses, golf driving ranges, and playgrounds.* This definition excludes *marinas, parks, golf courses and sports arenas.* [Ord. 11-0329 § 3 (Exh. 1).] means an establishment that provides facilities or services for recreational uses outside a building. Recreational facility, outdoor 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).

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.

“Recreational vehicle parks” means the use of land upon which two or more *recreational vehicle sites*, including hook up facilities, are located for occupancy by the general public of *recreational vehicles* as temporary living quarters for recreation or vacation purposes. [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 RCW36.70A.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).

18.20.2275

Regional land uses.

“Regional land uses” means *jail; jail farm/camp; work release facility; public agency animal control facility; public agency training facility; hydroelectric generation facility; nonhydroelectric generation facility; communication facility; earth station; oil and gas extraction; energy resource recovery facility; soil recycling facility; landfill; transfer station; wastewater treatment facility; municipal water production; airport/heliport; transit bus base; school bus base; racetrack; fairground; zoo/wildlife exhibit (except arboretum); stadium/arena; college/university (except technical institutions); and secure community transition facilities*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2280

Regional stormwater management facility.

“Regional stormwater management facility” means a surface water control *structure* installed in or adjacent to a *stream* or *wetland* of a basin or *sub-basin* by the *department* or a project proponent. Such facilities protect downstream areas identified by the *department* as having previously existing or predicted significant regional basin flooding or *erosion* problems. [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).]

18.20.2295

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).

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.

“Residential land uses” means *single detached dwelling unit; townhouse; apartment; mobile home and manufactured home; mobile home park; family child-care home; community residential facility I; community residential facility II; assisted living; dormitory; residential accessory uses; home occupation; home industry; hotel/motel (except bed and breakfast guesthouses); bed and breakfast guesthouse; and organization hotel/lodging houses*. [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).

18.20.2327

Resource land uses.

“Resource land uses” means growing and harvesting crops; raising *livestock* and *small animals*; growing and harvesting forest products; *forest research*; hatchery/fish preserve; aquaculture; *wildlife shelters*; mineral extraction and processing; asphalt/concrete mixtures and block manufacture; and *resource accessory uses*. [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.

“Comparison retail” provides for the sale of comparison goods and services and is centrally located in the community or region. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2362

Retail land uses.

“Retail land uses” means *building, hardware and garden materials stores; forest product sales; department and variety stores; food stores; agricultural product sales; motor vehicle and boat dealers; auto supply stores; gasoline service stations; apparel and accessory stores; furniture and home furnishings stores; eating and drinking places; drug stores; liquor stores; used goods; antiques/secondhand shops; sporting goods and related stores; book, stationery, video and art supply stores; jewelry stores; monuments, tombstones, and gravestones sales; hobby, toy, game shops; photographic and electronic shops; fabric shops; fuel dealers; florist shops; personal medical supply stores; pet shops; bulk retail; auction houses; and livestock sales*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2364

Retail sales.

“Retail sales” means an establishments 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, auto supply stores* sales of automotive parts if service, repair or installation are provided on-site, bulk retail sales, outdoor retail sales, *motor vehicle and boat dealers*, and eating and drinking places. [Ord. 11-0329 § 3 (Exh. 1).]

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).

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).

18.20.2367

Retail sales, outdoor.

“Retail sales, outdoor” means the display and sale of products and services primarily outside of a building or structure, including but not limited to garden supplies, tires and motor oil, *manufactured homes*, burial monuments, building and landscape materials, and lumber yards. This definition excludes *motor vehicle and boat dealers, outdoor retail display/sidewalk sales, mobile food vendors, City-authorized temporary uses, or City-authorized uses* allowed in public plazas or outdoor performance spaces on a temporary but regular basis. [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.

“Riparian” means areas adjacent to aquatic systems with flowing water that contain elements of 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. 11-0329 § 3 (Exh. 1).]

18.20.2410

Salmonid.

“Salmonid” means a member of the fish family Salmonidae, such as Chinook, coho, chum, sock-eye salmon, bull trout and cutthroat trout. [Ord. 11-0329 § 3 (Exh. 1).]

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.

“School district support facility” means *uses* (excluding schools and bus bases) that are required for the operation of a *school district*. This term includes *school district* administrative offices, centralized *kitchens*, and maintenance or storage facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2450

Schools, elementary and middle/junior high.

“Schools, elementary and middle/junior high” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2460

Schools, secondary or high school.

“Schools, secondary or high school” means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities. [Ord. 11-0329 § 3 (Exh. 1).]

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).

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.

“Services, off-site” means establishments primarily engaged in providing individual or professional services at the customer’s home or place of business. Examples of off-site services include but are not limited to temporary employment services, janitorial services, and professional maid services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2527

Services, on-site.

“Services, on-site” means establishments primarily engaged in providing individual or professional services within the place of business, such as beauty and barber shops, retail laundry and dry-cleaning including coin-operated, garment alterations and repair, photo studios, shoe repair, pet grooming, photography and photo reproduction, personal accountants, entertainment media rental or other indoor rental services, repair of personal items or household items, and nonmotorized vehicle repair. This definition excludes automotive repair or automotive service and *miscellaneous repair*. [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.

“Shooting range” means a facility designed to provide a confined space for safe target practice with firearms, archery equipment, or other weapons. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2560

Sign.

“Sign” means any device, *structure*, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2570

Sign, awning.

“Awning sign” means a *sign* painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2580

Sign, changing message center.

“Changing message center sign” means an electrically controlled *sign* that contains advertising messages which changes at intervals of three minutes or greater. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2590

Sign, community bulletin board.

“Community bulletin board sign” means a permanent *sign* used to notify the public of community events and public services, and which contains no commercial advertising. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2600

Sign, directional.

“Directional sign” means a *sign* designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trade-marks. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2610

Sign, freestanding.

“Freestanding sign” means a *sign* standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any *building* or *fence*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2620

Sign, fuel price.

“Fuel price sign” means a *sign* utilized to advertise the price of gasoline and/or diesel fuel. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2630

Sign, incidental.

“Incidental sign” means a *sign*, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to *signs* designating:

- A. Restrooms;
- B. Hours of operation;
- 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* (i.e., a *tree* that does not have a high probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

- A. Eight inches for *evergreen trees*; or
- B. Twelve inches for *deciduous trees*. [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).]

18.20.2782

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.

“Soil recycling facility” means an establishment engaged in the collection, storage and treatment of contaminated soils to remove and re-use organic contaminants. [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).]

18.20.2824

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).]

18.20.2826

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.

“Sporting goods store” means an establishment engaged in the retail sale of sporting goods and equipment. [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).

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).]

18.20.2884

Storage, indoor.

“Storage, indoor” means a *use* engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a *building*. Indoor storage *uses* typically are enclosed and provide supervised access to the storage areas within the *building*. The definition excludes *self-service storage*, warehousing and distribution. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2887

Storage, outdoor.

“~~Outdoor S~~storage, ~~outdoor~~” means a ~~use engaged in outdoor storage~~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, wholesale, rental, and distribution of manufactured products, supplies, and equipment. This definition excludes hazardous material storage, indoor storage, self-service storage, vehicle storage, and warehousing and wholesale trade. [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 ground water 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 water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031. Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Artificial drainage features with documented fish usage are regulated as streams. [Ord. 11-0329 § 3 (Exh. 1).]

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).]

18.20.2945

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).]

18.20.2960

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).

18.20.2965

Taxi stand.

“Taxi stand” means a facility for pick-up and drop-off of taxi patrons, typically characterized by an area for queuing passengers and taxis. [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).

18.20.2970

Theater.

“Theater” means an establishment primarily engaged in the indoor exhibition of motion pictures or of live theatrical presentations. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2980

Theatrical production services.

“Theatrical production services” means an establishment engaged in theatrical production (except motion picture), bands, orchestras, and entertainers, except establishments primarily engaged in providing live theatrical presentations, such as road companies and summer *theaters*. [Ord. 11-0329 § 3 (Exh. 1).]

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.

“Transfer station” means a staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment. [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).]

18.20.3023

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).]

18.20.3030

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.

“Transmission equipment” means equipment, such as *antennas* and satellite or point-to-point *microwave* dishes, that transmits or receives radio signals. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3060

Transmission support structure.

“Transmission support structure” means a *monopole* or *lattice-work tower* specifically designed and intended to support *antennas* and related communication equipment. The term does not include *monopoles* or *lattice-work towers* supporting above-ground distribution or transmission lines for utility services such as electric, telephone, cable, etc. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3065

Transmission support structure, alternative.

“Alternative transmission support structure” means the following manmade *structures*: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flagpoles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial buildings, commercial *signs*, *billboards*, multifamily buildings, and publicly used *structures* such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals, and other similar *structures* as approved by the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3067

Transmission support structure, guyed.

“Guyed transmission support structure” means a *transmission support structure* that is supported, in whole or in part, by guy wire and ground anchors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3070

Transmitter building.

“Transmitter building” means a *building* used to contain communication *transmission equipment*. [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 airport/heliport, 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).

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).]

18.20.3084

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).]

18.20.3095

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).]

18.20.3110

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).]

18.20.3120

Utility facility.

“Utility facility” means a **smaller-scale** facility for the distribution or transmission of services to an **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**;

~~Municipal ground water well fields;~~

~~F. Regional stormwater management facilities;~~

G. Natural gas gate stations and limiting stations;

H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple *lots* or *uses* from which fuel is distributed directly to individual users;

I. Sewer lift stations and wastewater **treatment or** distribution systems; and

J. Pipes, electrical wires and associated structural supports. [Ord. 11-0329 § 3 (Exh. 1).]

Utility facility does not include larger-scale regional facilities that are classified as a regional land use.

May include NAICS Sector 22 (Utilities).

18.20.3130

Vactor waste.

“Vactor waste” means liquid or solid waste material collected from catch basins, retention/detention facilities or drainage pipes. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3140

Vactor waste receiving facility.

“Vactor waste receiving facility” means a facility where *vactor waste* is brought for treatment and storage prior to final disposal. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3150

Variance.

“Variance” means an adjustment in the application of standards of a zoning code to a particular property. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3155

Variety store.

“Variety store” means an establishment engaged in retailing a variety of new general merchandise goods. Variety store does not include department store, but is a subcategory of “*department and variety store*.” [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3160

Vegetation.

“Vegetation” means any and all plant life growing at, below or above the soil surface. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3165

Vehicle or equipment rental.

“Vehicle or equipment rental” means an establishment that provides vehicles, machinery or equipment to customers in return for a rental payment.

May include NAICS Sector 5321 (Automotive Equipment Rental and Leasing), 5323 (General Rental Centers), and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing).

18.20.3168

Vehicle refueling station.

“Vehicle refueling station” means an establishment retailing automotive fuels, sometimes in combination with convenience store items.

May include NAICS 447 (Gasoline Stations).

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 Mini-warehouses and Self-Storage Units).

18.20.3190

Warehousing and wholesale trade.

“Warehousing and wholesale trade” means establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which are classified as a *retail land use*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3200

Wastewater treatment facility.

“Wastewater treatment facility” means a plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended. [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).]

18.20.3250**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 ground water aquifers and moderating surface and storm-water 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 ground water 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 government shall use the Washington State Wetland Identification and Delineation Manual (1997). [Ord. 11-0329 § 3 (Exh. 1).]

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).

18.20.3300**Wildlife shelter.**

“Wildlife shelter” means a facility for the temporary housing of sick, wounded or displaced wildlife. [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).]

18.20.3307**Wireless services.**

“Wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3310**Work release facility.**

“Work release facility” means a facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment. [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.**

“Yard or organic waste processing” means processing yard and garden wastes, including wood and land-clearing debris, into new products such as soil amendments and wood chips. [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).]

Chapter 18.26**REGIONAL BUSINESS ZONE****Sections:**

- ~~18.26.020 Regional business zone Use allowances.~~
- ~~18.26.040 Regional business zone Development standards.~~
- ~~18.26.060 Regional business zone Existing legal uses.~~

18.26.020**Regional business zone Use allowances.**

The following *uses* listed in Table A are identified as permitted, conditionally permitted, special uses, or *prohibited uses* in the regional business zone:

Table A. Regional Business Zone Use Allowances

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
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PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Multiple Family Dwelling ¹	Bed and Breakfast	Outdoor Performance Center	Single Detached Dwelling Unit
Community Residential Facility I ¹	Guesthouse ^{4,6}	Jail	Family Child Care Home
Community Residential Facility II ¹	Destination Resorts	Work Release Facility	Designated Manufactured Home
Senior Citizen Assisted Living ¹	Theater, Drive-in	Public Agency Animal Control Facility	Mobile Home and Manufactured Home
Residential Accessory Uses ²	Shooting Range ¹¹	Public Agency Training Facility ²³	Mobile Home Park
Home Occupation	Amusement Park	Nonhydroelectric Generation Facility	Dormitory
Hotel/Motel ³	Cemetery, Columbarium or Mausoleum ¹³	Oil and Gas Extraction	Home Industry
Organization	Secondary or High School	Energy Resource Recovery Facility	Campgrounds
Hotel/Lodging Houses	Helistop ²⁴	Landfill	Recreational Vehicle Park
Park	Food and Kindred Products Manufacture	Transfer Station	Golf Facility
Trails	Winery/Brewery	Wastewater Treatment Facility	Drycleaning Plants
Marina	Apparel and Other Textile Products Manufacture	Municipal Water Production	Industrial Launderers
Sports Club ⁷	Wood Products Manufacture, Except Furniture ²⁹	Airport/Heliport	Stable
Adult Entertainment Business ⁸	Furniture and Fixtures Manufacture	Transit Bus Base	Elementary School
Theater	Printing and Publishing	School Bus Base	Middle/Junior High School
Bowling Center	Leather and Leather Goods Manufacture	Racetrack ³⁶	Warehousing and Wholesale Trade ²¹
Amusement and Recreation Services ^{9,10}	Computer and Office Equipment Manufacture	Fairground	Farm Product
Amusement Arcades	Electronic and Other Electric Equipment Manufacture	Zoo/Wildlife Exhibit ³⁷	Warehousing, Refrigeration and Storage
Library	Measuring and Controlling Instruments Manufacture	Stadium/Arena	Log Storage
Museum	Miscellaneous Light Manufacturing ³²	Secure Community Transition Facilities ³⁹	Transportation Service
Arboretum	Tire Retreading		Heavy Equipment and Truck Repair
Conference Center	Nonhydroelectric Generation Facility ³⁴		Agricultural Product Sales
General Personal Service			Livestock Sales
Funeral Home/Crematory			Textile Mill Products
Cemetery, Columbarium or Mausoleum ¹²			Paper and Allied Products Manufacture
Day Care I			Chemicals and Allied Products Manufacture
Day Care II			
Veterinary Clinic ¹⁴			
Automotive Repair ¹⁵			
Automotive Service			

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Miscellaneous Repair Church, Synagogue, Mosque, Temple Social Services ¹⁶ Kennel or Cattery Theatrical Production Services ¹⁷ Artist Studios Interim Recycling Facility Medical/Dental Office/Outpatient Clinic Nursing and Personal Care Facilities Hospital Medical/Dental Lab Miscellaneous Health Services Vocational School Specialized Instruction School School District Support Facility Government/Business Services Land Uses; except Warehousing and Wholesale Trade; Farm Product Warehousing; Refrigeration and Storage; Log Storage; Transportation Service; Heavy Equipment and Truck Repair; and Helistop ^{18,19,20,22,23} Retail Land Uses, except Agricultural Product Sales and Livestock Sales ^{25,26,27,28} Printing and Publishing ³⁰ Stone, Clay, Glass and Concrete Products Manufacture ³¹ Miscellaneous Light Manufacturing ³² Movie Production/Distribution Communication Facility ³⁵			Petroleum Refining and Related Industries Rubber and Miscellaneous Plastic Products Manufacture Primary Metal Industries Fabricated Metal Products Industrial and Commercial Machinery Manufacture Heavy Machinery and Equipment Manufacture Railroad Equipment Manufacture Guided Missile and Space Vehicle Parts Manufacture Miscellaneous Transportation Vehicles Manufacture Motor Vehicle and Bicycle Manufacturing Aircraft, Ship and Boat Building Resource Land Uses Jail Farm/Camp Hydroelectric Generation Facility Soil Recycling Facility

PERMITTED USE	CONDITIONAL USE	SPECIAL USE	PROHIBITED
Earth Station College/University ²⁸			

¹ Only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC, except that:

a. 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 city manager 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 streets. The development standards for the R-18 zone shall be applicable to these developments.

² a. See KMC 18.73.100 regarding accessory dwelling units.

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.

³ Except bed and breakfast guesthouses.

⁴ Bed and breakfast guesthouses shall be authorized after issuance of a conditional use permit, subject to the following conditions:

a. The guesthouse shall be owner-occupied;

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

c. Parking shall be provided as required by this title; and

d. 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.

⁵ Reserved.

⁶ Only if part of a mixed use development, and subject to the conditions of subsection 4 of this section.

⁷ Only for stand-alone sports clubs that are not part of a park.

⁸ It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 330 feet, measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels containing the uses in this subsection, without regard to intervening structures or objects, if any:

a. Residentially-zoned property;

b. Public or private school for general education of any grade K through 12;

c. School bus stop;

d. Licensed day care or licensed preschool facility;

e. Public park;

f. Publicly dedicated trail; provided, however, that the setback distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no setback on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. Church, synagogue, mosque, temple, or other house of religious worship;

j. Public library.

It shall be unlawful for any person to establish an adult entertainment business or to relocate an adult entertainment business within 500 feet of another adult entertainment business, measured from the property line of the parcel or parcels containing the adult entertainment business and the proposed adult entertainment business.

⁹ Excluding amusement and recreational uses classified elsewhere in this chapter.

¹⁰ Social card games, as defined by this title, are prohibited.

¹¹ a. Only in an enclosed building, and subject to the licensing provisions of KMC Title 5;

- b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:
- (1) Installing ventilation systems that provide sufficient clean air in the user's breathing zone;
 - and
 - (2) Adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.
- ¹² Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.
- ¹³ Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- ¹⁴ a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material; and
- c. The provisions of Chapter 18.70 KMC relative to animal keeping are met.
- ¹⁵ Except tire retreading.
- ¹⁶ Except day care services and residential care.
- ¹⁷ Adult use facilities shall be prohibited within 660 feet of any residential zones, any other adult use facility, school, licensed day care centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.
- ¹⁸ Private stormwater management facility is permitted except that in commercial zones or when participating in an approved shared facility drainage plan; such 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. In commercial zones or 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.
- ¹⁹ A vector waste receiving facility is permitted; however, vector waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
- ²⁰ Trucking and courier service is permitted, but is limited to self-service household moving truck or trailer rental accessory to a gasoline service station and courier services, except by air.
- ²¹ Except self-service storage.
- ²² Automotive parking is permitted with no dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.
- ²³ Research, development and testing is permitted, except commercial, economic, sociological, and educational research. See general business service/office.
- ²⁴ Allowed as accessory to an allowed use.
- ²⁵ Motor vehicle and boat dealers are permitted, excluding retail sale of trucks exceeding one-ton capacity.
- ²⁶ Auto supply stores are permitted, but only for the sale of new or reconditioned automobile supplies.
- ²⁷ Eating and drinking places are permitted, but social card games, as defined by this title, are prohibited.
- ²⁸ Auction houses are permitted, excluding vehicle and livestock auctions.
- ²⁹ Limited to wood kitchen cabinets and millwork (excluding planing mills).
- ³⁰ Limited to photocopying and printing services offered to the general public.
- ³¹ Only within enclosed buildings.
- ³² Existing light manufacturing uses are permitted as "existing legal." New light manufacturing uses require a conditional use permit.
- ³³ Except weapons armories and outdoor shooting ranges.
- ³⁴ Limited to cogeneration facilities for on-site use only.
- ³⁵ The provisions apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

³⁶ Except racing of motorized vehicles.

³⁷ Except arboretum.

³⁸ Except technical institutions. See vocational schools.

³⁹ *SCTF Siting. Secure community transition facilities* as defined in RCW 71.09.020 are permitted by special use permit in the regional business zone subject to the following restrictions:

a. **Maximum Number of Residents.** No SCTF shall house more than three persons, excluding resident staff.

b. **Siting Criteria.**

(1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property;

(B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks; publicly dedicated trails and sports fields; recreational and community centers; playgrounds; church, synagogue, mosque, temple; and public libraries.

(C) One mile from any existing SCTF, work release, prerelease, or similar facility.

(3) The distances specified in subsection (39)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

e. **On Site Facilities Required.** Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.

d. **Special Use Permit Application Process.** A special use permit application for an SCTF shall be accompanied by the following:

(1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

{Ord. 11-0329 § 3 (Exh. 1).}

18.26.040

Regional business zone — Development standards.

The following zone specific development standards in Table B apply in the regional business zone:

Table B. Regional Business Zone Development Standards

	Z O N E	REGIONAL BUSINESS
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STANDARDS	RB
Base Density: Dwelling Unit/Acre	36 du/ae ¹
Maximum Density: Dwelling Unit/Acre	48 du/ae ²
Minimum Street Setback	10 ft. ³
Minimum Interior Setback	20 ft. ⁴
Base Height ⁵	35 ft. 65 ft. ⁶
Maximum Floor Area Ratio: Square Feet	2.5/1 ⁷
Maximum Impervious Surface: Percentage ⁸	90%

¹ These densities are allowed only through the application of mixed use development standards.

² These densities may only be achieved through the application of residential density incentives or transfer of density credits in mixed use developments. See Chapter 18.80 KMC.

³ Gas station pump islands shall be placed no closer than 25 feet to street front lines.

⁴ Required on property lines adjoining residential zones.

⁵ Height limits may be increased when portions of the structure/building 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 exceed 75 feet only in mixed use developments. 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 requirement; provided, that the maximum height shall not exceed 75 feet.

⁶ This base height allowed only for mixed use developments.

⁷ The floor area ratio for mixed use developments shall conform to Chapter 18.50 KMC.

⁸ The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

{Ord. 11-0329 § 3 (Exh. 1).}

18.26.060

Regional business zone—Existing legal uses.

A. Regional Business Zone—Existing Legal Uses.

Specific Land Use	RB
Existing legal uses as of May 8, 2003, which are not otherwise allowed as a permitted use, conditional use, or special use in Chapter 18.26 KMC, or a P suffix or special overlay district pursuant to Chapter 18.47 KMC.	P

Chapter 18.25A
URBAN CORRIDOR ZONE

Sections:

- 18.25A.010 Intent.
- 18.25A.020 Subareas.
- 18.25A.030 Use allowances – Urban corridor west subarea.
- 18.25A.040 Use allowances – Urban corridor east subarea.
- 18.25A.050 Accessory uses.
- 18.25A.060 Zoning standards.
- 18.25A.070 Additional development standards.
- 18.25A.080 Conflict with design standards.

18.25A.010 Intent.

The intent of the urban corridor zone is to convert SR-522 from a commercial strip, focused on the automobile, to a more pedestrian- and transit-friendly urban corridor. In the west subarea, uses along the north side of the highway would continue to be a mix of restaurant, retail and service uses, with additional opportunities for office and mixed use multifamily development. Uses along the south side of the highway would convert to office and multifamily development, taking advantage of lake views and proximity to transit.

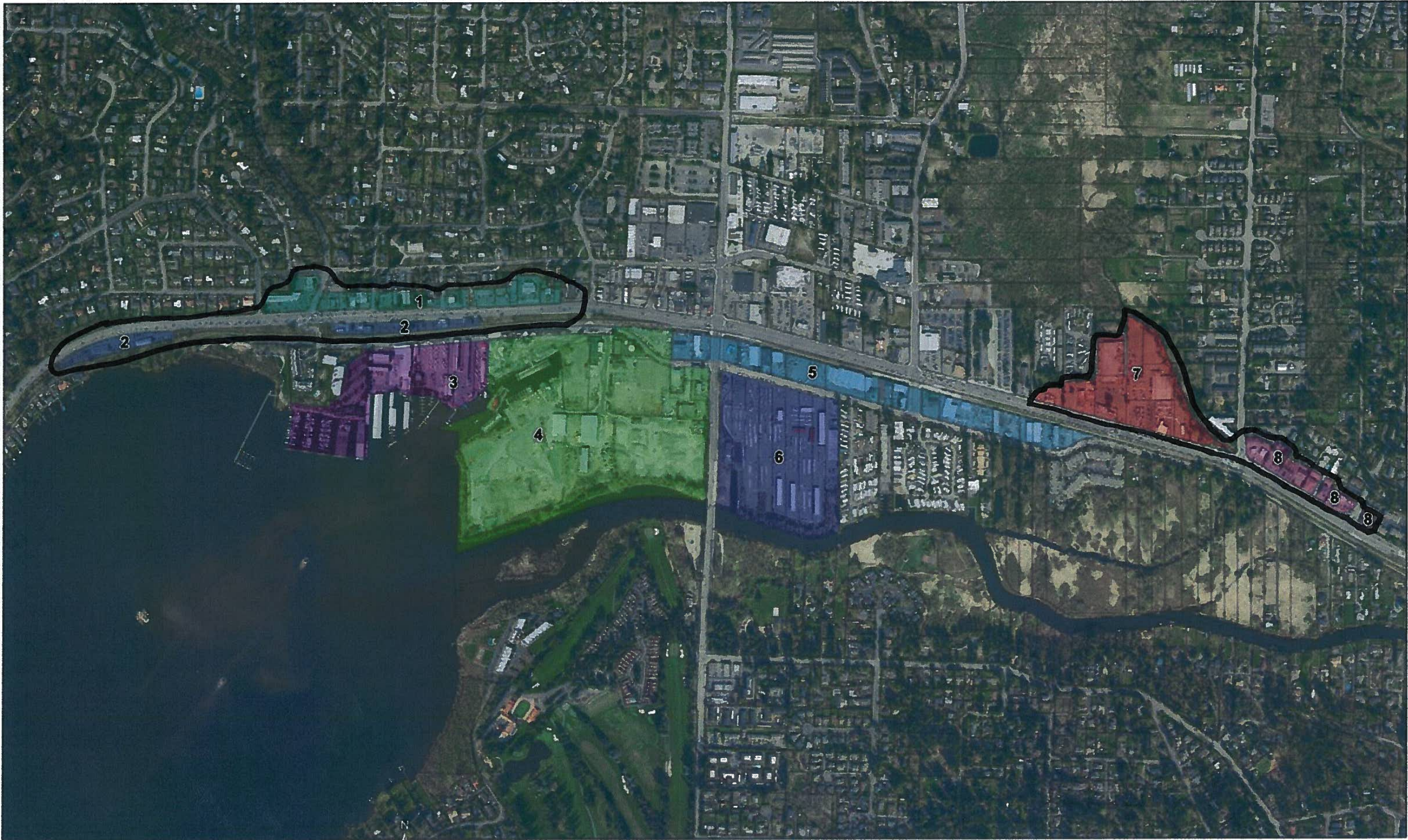
In the east subarea, the western portion of the district would be an “enterprise zone,” allowing for a wide range of commercial uses, including bulk retail, as well as standalone multifamily development. Farther to the east, near the city limits, office and multifamily uses are envisioned.

New auto-oriented businesses are prohibited throughout the zone.

18.25A.020 Subareas.

The urban corridor zone is divided into two subareas: urban corridor west and urban corridor east (see map).

Regional Business Zone Subareas



Legend

Subarea 1 2 3 4 5 6 7 8



18.25A.030 Use allowances – Urban corridor west subarea.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited* uses in the urban corridor west subarea:

Table A. Urban Corridor West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Adult entertainment business¹</u> <u>Ambulatory surgery center</u> <u>Animal kennel/shelter²</u> <u>Arts, entertainment, indoor</u> <u>Business service, standard</u> <u>Cemetery, columbarium or mausoleum³</u> <u>Community residential facility</u> <u>Day-care</u> <u>Eating and drinking place⁴</u> <u>Educational service</u> <u>Funeral home/crematory</u> <u>Health care and social assistance</u> <u>Laboratory⁵</u> <u>Manufacturing, light</u> <u>Mobile food service⁶</u> <u>Multiple family dwelling⁷</u> <u>Office</u> <u>Park</u> <u>Personal service</u> <u>Recreational facility, indoor⁸</u> <u>Religious institution</u> <u>Retail sales⁹</u> <u>Standalone parking¹⁰</u> <u>Supportive living facility</u> <u>Temporary lodging</u>	<u>Arts, entertainment, outdoor¹¹</u> <u>College/university</u> <u>Communication facility¹²</u> <u>Fire or police facility</u> <u>Laboratory⁵</u> <u>Recreational facility, indoor⁸</u> <u>Recreational facility, outdoor¹³</u>	<u>Air transportation service</u> <u>Auction house</u> <u>Automotive sales and service, marine</u> <u>Automotive sales and service, non-marine</u> <u>Business service, intensive</u> <u>Construction and trade</u> <u>Family child-care home</u> <u>Hospital</u> <u>Manufacturing, heavy</u> <u>Mobile home park</u> <u>Recreational facility, outdoor¹³</u> <u>Regional land use</u> <u>Resource land use</u> <u>Retail sales, bulk</u> <u>Secure facility</u> <u>Single detached dwelling unit</u> <u>Transportation</u> <u>Utility facility</u> <u>Vehicle or equipment rental</u> <u>Vehicle refueling station</u> <u>Warehousing</u> <u>Wholesale trade</u>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the

property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² **Provided:**

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ **Limited to indoor columbariums and mausoleums, only.**

⁴ **Social card games, as defined by this title, are prohibited.**

⁵ **Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.**

⁶ **Provided:**

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁷ **North of SR-522, allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.**

⁸ South of SR-522, indoor recreational facility is a conditional use.

⁹ South of SR-522, allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.

¹⁰ Standalone surface parking and boat racks shall not be permitted.

¹¹ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

¹² Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

¹³ North of SR-522, outdoor recreational facility is a prohibited use. Campgrounds and RV parks shall not be permitted south of SR-522.

18.25A.040 Use allowances – Urban corridor east subarea.

The following uses listed in Table B are identified as permitted, conditionally permitted, or prohibited uses in the urban corridor east subarea:

Table B. Urban Corridor East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹³	Arts, entertainment, outdoor ³
Animal kennel/shelter ²	Fire or police facility	Auction house
Arts, entertainment, indoor	Hospital ⁶	Automotive sales and service,
Arts, entertainment, outdoor ³	Laboratory ⁷	marine
Business service, standard	Regional land use ⁵	Automotive sales and service, non-
Cemetery, columbarium or	Retail sales, bulk ^{5,10}	marine
mausoleum ⁴		Business service, intensive
Community residential		Community residential facility ⁵
facility ⁵		Construction and trade
Day-care		Family child-care home
Eating and drinking place ⁶		Hospital ⁶
Educational service		Manufacturing, heavy
Funeral home/crematory		Mobile home park
Health care and social assistance		Recreational facility, outdoor ³
Laboratory ⁷		Regional land use ⁵

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Manufacturing, light</u> <u>Mobile food service⁸</u> <u>Multiple family dwelling</u> <u>Office</u> <u>Park</u> <u>Personal service</u> <u>Recreational facility, indoor</u> <u>Recreational facility, outdoor^{3,9}</u> <u>Religious institution</u> <u>Retail sales</u> <u>Retail sales, bulk^{5,10}</u> <u>Standalone parking¹¹</u> <u>Supportive living facility</u> <u>Temporary lodging</u> <u>Vehicle refueling station¹²</u>		<u>Resource land use</u> <u>Retail sales, bulk⁵</u> <u>Secure facility</u> <u>Single detached dwelling unit</u> <u>Standalone parking¹¹</u> <u>Transportation</u> <u>Utility facility</u> <u>Vehicle or equipment rental</u> <u>Vehicle refueling station¹²</u> <u>Warehousing</u> <u>Wholesale trade</u>

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be

surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;

- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ Prohibited east of 80th Avenue NE. West of 80th Avenue NE, outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ East of 80th Avenue NE, limited to indoor columbariums and mausoleums, only.

⁵ Prohibited east of 80th Avenue NE.

⁶ Social card games, as defined by this title, are prohibited.

⁷ Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.

⁸ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ A conditional use permit is required if the building footprint is greater than 65,000 sq.ft.

¹¹ Prohibited east of 80th Avenue NE. Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq.ft. in size west of 80th Avenue NE.

¹² Permitted only within 250' of the intersection of 80th Avenue NE and SR-522. Prohibited in other portions of the east subarea.

¹³ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.25A.050 Accessory uses.

Accessory uses, when consistent with the definition in Chapter 18.20 KMC, are allowed as determined by the city manager.

18.25A.060 Zoning standards.

The following zone-specific development standards in Table C apply in the urban corridor zone:

Table C. Urban Corridor Zone Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Acre</i>	48 du/ac
Maximum Density: <i>Dwelling Units/Acre</i>	72 du/ac ¹
Minimum <i>Street Setback</i>	10 ft. ²
Minimum <i>Interior Setback</i>	20 ft. ³
Maximum Height:	
Urban corridor east subarea	55'
Urban corridor west subarea:	
• south of SR-522	35'
• north of SR-522 west of 63 rd Ave. NE	35'
• north of SR-522 east of 63 rd Ave. NE	35' ⁴
Maximum <i>Impervious Surface</i> : Percentage ⁵	90%

¹ This density may only be achieved through the application of residential density incentives or *transfer of density credits in mixed use developments*. See Chapter 18.80 KMC.

² Gas station pump islands shall be placed no closer than 25 feet to *street front lines*.

³ Required on property lines adjoining residential zones.

⁴ The maximum height on a *site* north of SR-522 east of 63rd Avenue NE may be increased up to a maximum of 55' if (1) there is no intervening parcel between the *site* and the NE 181st Street right-of-way, and (2) if the applicant can demonstrate, based on ground elevation data, that a topographic change is adequate to protect views of Lake Washington from uphill lots. The measurement shall be taken as follows: a) determine average existing ground elevation along the centerline of the NE 181st Street right-of-way abutting the *site*; b) determine average existing ground elevation along an artificial east-west line 60' north of and paralleling the SR-522 right-of-way abutting the *site*; c) subtract the elevation calculated in b) from the elevation calculated in a). If this difference is more than 35', the maximum height for the *site* may be increased to that difference. In no case, however,

shall the maximum allowable height exceed 55'.

⁸ The *impervious surface* area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

18.25A.070 Additional development standards.

A. Where the urban corridor zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to Sections 18.52.310 and/or KMC 18.52.330 KMC in order to mitigate impacts of new development on neighboring residential areas.

B. In the urban corridor west subarea, parcels on the south side of SR-522 shall provide a public view corridor from SR-522 to Lake Washington. The intent of the corridor is to provide an unobstructed view from SR-522 to the lake. A minimum view corridor equivalent to 30 percent of the average east-west dimension of the development proposal site shall be maintained. The location of the view corridor shall be designed to meet the following standards and must be approved by the city manager:

1. The view corridor must be adjacent to one of the two side property lines, whichever will result in the widest view corridor, considering the following in order of priority:

a. Locations of existing view corridors;

b. Existing development or potential development on adjacent properties, given the topography, access and likely location of future improvements;

c. Locations of existing sight-obscuring structures, parking areas or vegetation that are likely to remain in place in the foreseeable future.

2. The view corridor must be in one continuous piece.

3. For land divisions, the view corridor shall be established as part of the land division and shall be located to create the largest view corridor on the subject property.

4. The following shall be permitted within a view corridor:

a. Areas provided for public access, such as public pedestrian walkways, public use areas, or viewing platforms;

b. Parking lots for passenger vehicles and subsurface parking structures; provided, that the parking does not completely obstruct the view of the lake

from the public right-of-way;

c. Structures, if the slope of the subject property permits full, unobstructed views of the lake over the structures from the public right-of-way.

d. Vegetation, including required vegetation screening, provided it is designed and of a size that will not obscure the view from the public right-of-way to the lake at the time of planting or upon future growth. In the event of a conflict between required landscaping and view preservation, view preservation shall take precedence over landscaping requirements.

e. Open fencing that is designed not to obscure the view from the public right-of-way to the lake.

5. The applicant shall execute a covenant or similar legal agreement, in a form acceptable to the City Attorney, and record the agreement with the county records and elections division to protect the view corridor. Land survey information shall be provided by the applicant for this purpose in a format approved by the city manager.

C. *Drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, *Downtown Design Standards*.

D. Outdoor storage is prohibited in the Urban Corridor zone, west subarea, and in the Urban Corridor zone, east subarea, east of 80th Avenue NE. In the Urban Corridor zone, east subarea, west of 80th Avenue NE, accessory outdoor storage is limited to a maximum of 50% of the site area.

18.25A.080 Conflict with design standards.

In the event of a conflict between Chapter 18.52 KMC, *Downtown Design Standards*, and urban corridor zone standards, the Kenmore downtown design standards shall prevail.

Chapter 18.25B
WATERFRONT COMMERCIAL ZONE

Sections:

- 18.25B.010 Intent**
- 18.25B.020 Use allowances.**
- 18.25B.030 Accessory uses**
- 18.25B.040 Zoning standards.**
- 18.25B.050 Additional development standards.**

18.25B.010 Intent.

The intent of the waterfront commercial zone is to support existing water-dependent uses while also allowing eating and drinking places, temporary lodging and other complementary uses. Compatible light manufacturing is appropriate. Office and mixed use multifamily development are desirable for the future.

18.25B.020 Use allowances.

The following uses listed in Table A are identified as permitted, conditionally permitted or *prohibited* uses in the waterfront commercial zone:

Table A. Waterfront Commercial Use Allowances

<u>PERMITTED</u>	<u>CONDITIONALLY PERMITTED</u>	<u>PROHIBITED</u>
<u>Adult entertainment business¹</u>	<u>Air transportation service</u>	<u>Auction house</u>
<u>Ambulatory surgery center</u>	<u>College/university</u>	<u>Automotive sales and service,</u>
<u>Animal kennel/shelter²</u>	<u>Communication facility¹³</u>	<u>non-marine</u>
<u>Arts, entertainment, indoor</u>	<u>Fire or police facility</u>	<u>Business service, intensive</u>
<u>Arts, entertainment, outdoor³</u>	<u>Hospital</u>	<u>Construction and trade</u>
<u>Automotive sales and service, marine</u>	<u>Laboratory⁶</u>	<u>Family child-care home</u>
<u>Business service, standard</u>	<u>Regional land use</u>	<u>Manufacturing, heavy</u>
<u>Cemetery, columbarium or mausoleum⁴</u>		<u>Mobile home park</u>
<u>Community residential facility (CRF)</u>		<u>Resource land use</u>
<u>Day-care</u>		<u>Retail sales, bulk</u>
<u>Eating and drinking place⁵</u>		<u>Secure facility</u>
<u>Educational service</u>		<u>Single detached dwelling unit</u>
<u>Funeral home/crematory</u>		<u>Utility facility</u>
<u>Health care and social assistance</u>		<u>Warehousing</u>
<u>Laboratory⁶</u>		<u>Wholesale trade</u>
<u>Manufacturing, light</u>		
<u>Mobile food service⁷</u>		
<u>Multiple family dwelling⁸</u>		

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Office</u> <u>Park</u> <u>Personal service</u> <u>Recreational facility, indoor</u> <u>Recreational facility, outdoor^{3,9}</u> <u>Religious institution</u> <u>Retail sales</u> <u>Standalone parking¹⁰</u> <u>Supportive living facility</u> <u>Temporary lodging</u> <u>Transportation¹¹</u> <u>Vehicle or equipment rental¹²</u> <u>Vehicle refueling station</u>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ Limited to indoor columbariums and mausoleums, only.

⁵ Social card games, as defined by this title, are prohibited.

⁶ Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.

⁷ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁸ Allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.

⁹ Campgrounds and RV parks shall not be permitted.

¹⁰ Standalone surface parking lots for vehicles, boats or boat racks shall not exceed 10,000 sq.ft. in size.

¹¹ Only passenger transportation uses shall be permitted (no trucking or towing).

¹² Equipment rental is prohibited.

¹³ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.25B.030 Accessory uses.

Accessory uses, when consistent with the definition in Chapter 18.20 KMC, are allowed as determined by the city manager.

18.25B.040 Zoning standards.

The following zone-specific development standards in Table B apply in the waterfront commercial zone:

Table B. Waterfront Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i>	48
Maximum Density: <i>Dwelling Units/Gross Acre</i>	72 du/ac ¹
Street Setback	10 ft. ²
Minimum Interior Setback	20 ft. ³
Base Height ⁴	35 ft.
Maximum Height	40 ft.
Maximum Impervious Surface: Percentage ⁵	90%

¹ This density may only be achieved through the application of residential density incentives or *transfer of density credits in mixed use developments*. See Chapter 18.80 KMC.

² Fuel pump islands shall be placed no closer than 25 feet to *street* front lines.

³ Required on property lines adjoining residential zones.

⁴ Height limits may be increased to a maximum of 40' when portions of the *structure/building* which exceed the base height limit provide one additional foot of *street* and interior *setback* for each foot above the base height limit.

⁵ The *impervious surface* area for any *lot* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

18.25B.050

Additional development standards.

A. Where the waterfront commercial zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to Sections 18.52.310 and/or KMC 18.52.330 KMC in order to mitigate impacts of new development on

neighboring residential areas.

B. *Drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. *Drive-through lanes* shall not be located between the *street* and the main pedestrian access to the *buildings*.

Chapter 18.26
REGIONAL BUSINESS ZONE

Sections:

- 18.26.010 Intent**
- 18.26.020 Subareas.**
- 18.26.030 Use allowances – Regional business north subarea.**
- 18.26.040 Use allowances – Regional business east subarea.**
- 18.26.050 Use allowances – Regional business west subarea.**
- 18.26.060 Accessory uses.**
- 18.26.070 Zoning standards.**
- 18.26.080 Additional development standards.**
- 18.26.090 Conflict with design standards.**

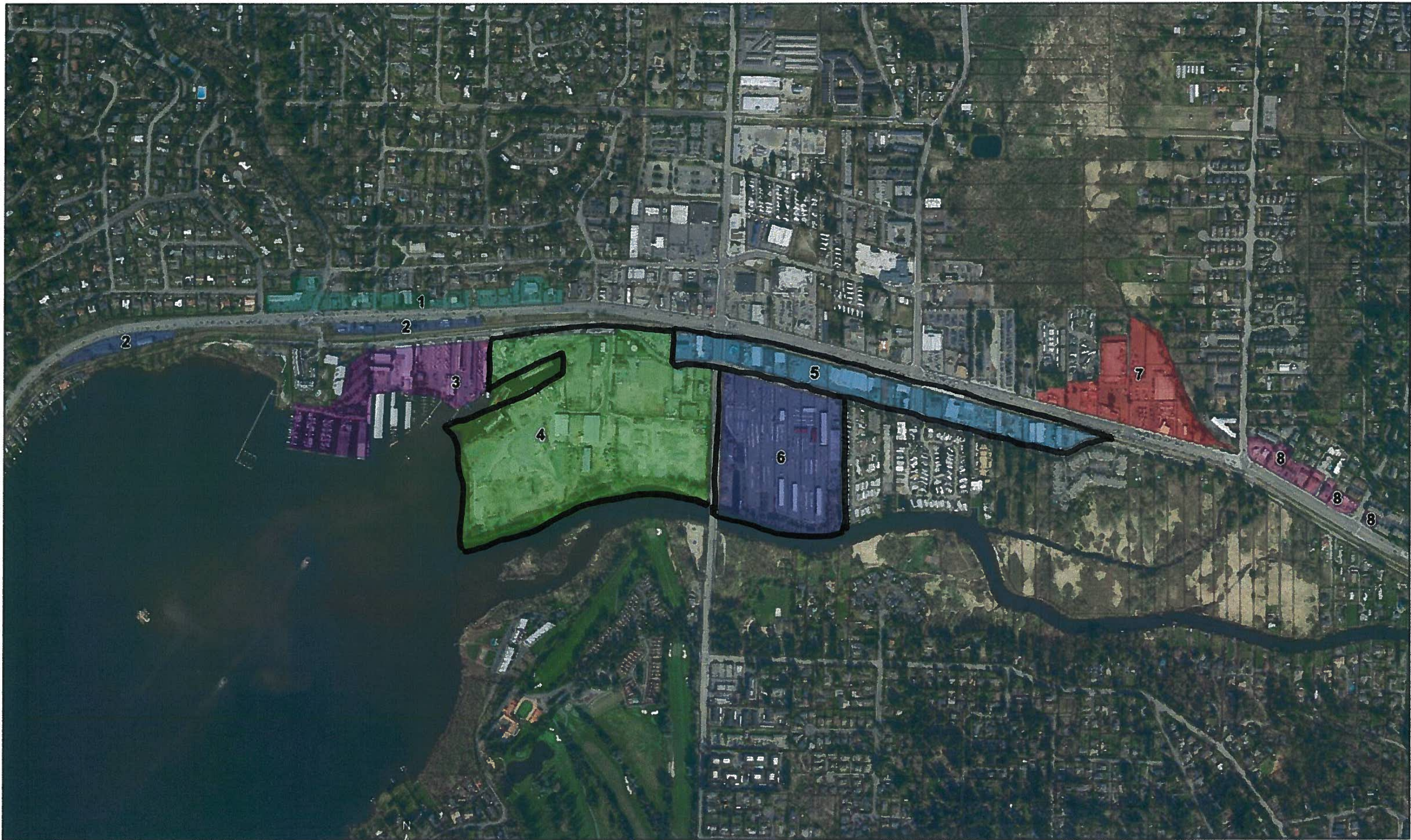
18.26.010 Intent.

The regional business zone is intended to provide the broadest mix of retail, 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 while encouraging compact and mixed-use development that is supportive of transit and pedestrian travel for the future. In the east and west subareas, public access to the waterfront is particularly desirable.

18.26.020 Subareas.

The regional business zone is divided into three subareas: regional business north, regional business east, and regional business west (see map).

Regional Business Zone Subareas



Legend

Subarea 1 2 3 4 5 6 7 8



18.26.030 Use allowances – Regional business north subarea.

The following *uses* listed in Table A are identified as permitted, conditionally permitted, or *prohibited* uses in the regional business north subarea:

Table A. Regional Business North Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Adult entertainment business¹</u>	<u>College/university</u>	<u>Air transportation service</u>
<u>Ambulatory surgery center</u>	<u>Communication facility¹²</u>	<u>Auction house</u>
<u>Animal kennel/shelter²</u>	<u>Laboratory⁶</u>	<u>Automotive sales and service, non-marine⁴</u>
<u>Arts, entertainment, indoor</u>	<u>Recreational facility, outdoor¹³</u>	<u>Business service, intensive</u>
<u>Arts, entertainment, outdoor</u>	<u>Regional land use</u>	<u>Cemetery, columbarium or mausoleum</u>
<u>Automotive sales and service, marine³</u>	<u>Utility facility</u>	<u>Family child-care home</u>
<u>Automotive sales and service, non-marine⁴</u>		<u>Funeral home/crematory</u>
<u>Business service, standard</u>		<u>Hospital</u>
<u>Community residential facility</u>		<u>Manufacturing, heavy</u>
<u>Construction and trade</u>		<u>Mobile home park</u>
<u>Day-care</u>		<u>Resource land use</u>
<u>Eating and drinking place⁵</u>		<u>Retail sales, bulk</u>
<u>Educational service</u>		<u>Secure facility</u>
<u>Fire or police facility</u>		<u>Single detached dwelling unit</u>
<u>Health care and social assistance</u>		<u>Vehicle or equipment rental¹¹</u>
<u>Laboratory⁶</u>		<u>Vehicle refueling station</u>
<u>Manufacturing, light</u>		<u>Warehousing</u>
<u>Mobile food service⁷</u>		
<u>Multiple family dwelling⁸</u>		
<u>Office</u>		
<u>Park</u>		
<u>Personal service</u>		
<u>Recreational facility, indoor</u>		
<u>Religious institution</u>		
<u>Retail sales</u>		
<u>Standalone parking⁹</u>		
<u>Supportive living facility</u>		
<u>Temporary lodging</u>		
<u>Transportation¹⁰</u>		
<u>Vehicle or equipment rental¹¹</u>		
<u>Wholesale trade</u>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. Residentially zoned property;
- b. Public or *private* school for general education of any grade K through 12;
- c. School bus stop;
- d. Licensed *day care* or licensed preschool facility;
- e. Public *park*;
- f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;
- g. Sports fields or playgrounds;
- h. Recreation or community center;
- i. *Religious institution*;
- j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ Outdoor sales lots shall not exceed 20,000 sq.ft. in size.

⁴ Automotive sales are prohibited. Service of trucks exceeding 8-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.

⁵ Social card games, as defined by this title, are prohibited.

⁶ Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.

⁷ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁸ Allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.

⁹ Standalone surface parking lots and boat racks are not permitted.

¹⁰ Trucking and freight hauling businesses are not permitted.

¹¹ Equipment rental is prohibited.

¹² Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

¹³ Campgrounds and RV parks shall not be permitted.

18.26.040 Use allowances – Regional business east subarea.

The following uses listed in Table B are identified as permitted, conditionally permitted, or prohibited uses in the regional business east subarea:

Table B. Regional Business East Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Adult entertainment business ¹	College/university	Air transportation service
Ambulatory surgery center	Communication facility ¹⁶	Automotive sales and service, non-marine ⁵
Animal kennel/shelter ²	Hospital	Business service, intensive
Arts, entertainment, indoor	Laboratory ³	Family child-care home
Arts, entertainment, outdoor ²	Regional land use	Manufacturing, heavy
Auction house ⁴	Secure facility ¹⁷	Mobile home park
Automotive sales and service, marine	Utility facility	Resource land use
Automotive sales and service, non-marine ⁵		Retail sales, bulk
Business service, standard		Single detached dwelling unit
Cemetery, columbarium or mausoleum ⁶		Vehicle refueling station
Community residential facility		
Construction and trade		
Day-care		
Eating and drinking place ⁷		
Educational service		
Fire or police facility		
Funeral home/crematory		

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<u>Health care and social assistance</u> <u>Laboratory⁸</u> <u>Manufacturing, light</u> <u>Mobile food service⁹</u> <u>Multiple family dwelling¹⁰</u> <u>Office</u> <u>Park</u> <u>Personal service</u> <u>Recreational facility, indoor</u> <u>Recreational facility, outdoor^{3,11}</u> <u>Religious institution</u> <u>Retail sales¹²</u> <u>Standalone parking¹³</u> <u>Supportive living facility</u> <u>Temporary lodging</u> <u>Transportation¹⁴</u> <u>Vehicle or equipment rental</u> <u>Warehousing¹⁵</u> <u>Wholesale trade</u>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

a. Residentially zoned property;

b. Public or *private* school for general education of any grade K through 12;

c. School bus stop;

d. Licensed *day care* or licensed preschool facility;

e. Public *park*;

f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. *Religious institution*;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Provided:

- a. No burning of refuse or dead animals is allowed;
- b. The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material;
- c. Outdoor runs shall be prohibited on properties adjacent to residential zones; and
- d. The provisions of Chapter 18.70 KMC relative to animal keeping shall be met.

³ Outdoor activities shall be at least 50 feet from adjoining residential zones and lighting shall be directed away from adjoining residential zones. Hours of operation may be restricted to ensure compatibility.

⁴ Excluding animal auctions.

⁵ Automotive sales are prohibited. Service of trucks exceeding 8-ton capacity (FHWA Classes 5-8) and heavy equipment is prohibited.

⁶ Limited to indoor columbariums and mausoleums.

⁷ Social card games, as defined by this title, are prohibited.

⁸ Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.

⁹ Provided:

- a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.
- b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.
- c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.
- d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.
- e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

¹⁰ Allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.

¹¹ Campgrounds and RV parks shall not be permitted.

¹² Allowed only as part of a mixed use development.

¹³ Only standalone boat parking is permitted. Parking lots are limited in size to 10,000 sq.ft.

¹⁴ Trucking and freight hauling businesses are not permitted.

¹⁵ A warehouse shall not exceed 20,000 sq.ft. in size. Standalone outdoor storage shall not be permitted.

¹⁶ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

¹⁷ Jail and jail farm/camp are prohibited. Secure community transition facilities as defined in RCW 71.09.020 are subject to the following restrictions:

a. Maximum Number of Residents. No SCTF shall house more than three persons, excluding resident staff.

b. Siting Criteria.

(1) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(2) No SCTF shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

(A) In or within 250 feet of any residential zone district, or any residentially zoned property;

(B) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW 71.09.020, as amended, including, but not limited to, public and private schools; school bus stops; licensed day care and licensed preschool facilities; public parks, publicly dedicated trails and sports fields; recreational and community centers; playgrounds; church, synagogue, mosque, temple; and public libraries.

(C) One mile from any existing SCTF, work release, prerelease, or similar facility.

(3) The distances specified in subsection (39)(b)(2) of this section shall be measured by following a straight line from the nearest point of the property parcel upon which the SCTF is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. On-Site Facilities Required. Each SCTF shall provide on-site dining, on-site laundry or laundry service, and on-site recreational facilities to serve the residents.

d. Conditional Use Permit Application Process. A conditional use permit application for an SCTF shall be accompanied by the following:

(1) The siting process used for the SCTF, including alternative locations considered. At least three alternative locations must be considered.

(2) An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no unreasonable impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

(3) Proposed mitigation measures including the use of extensive buffering from adjacent uses.

(4) A detailed security plan for the facility and the residents.

(5) Proposed operating rules for the facility.

(6) A schedule and analysis of all public input solicited or to be solicited during the siting process.

18.26.050 Use allowances – Regional business west subarea.

The following uses listed in Table C are identified as permitted, conditionally permitted, or prohibited uses in the regional business west subarea:

Table C. Regional Business West Subarea Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Adult entertainment business¹</i>	<i>College/university</i>	<i>Air transportation service</i>
<i>Ambulatory surgery center</i>	<i>Communication facility¹³</i>	<i>Animal kennel/shelter</i>
<i>Arts, entertainment, indoor</i>	<i>Laboratory⁴</i>	<i>Auction house</i>
<i>Arts, entertainment, outdoor</i>	<i>Manufacturing, light</i>	<i>Automotive sales and service, non-marine</i>
<i>Automotive sales and service, marine²</i>	<i>Regional land use</i>	<i>Business service, intensive</i>
<i>Business service, standard</i>		<i>Cemetery, columbarium or mausoleum</i>
<i>Community residential facility</i>		<i>Construction and trade</i>
<i>Day-care</i>		<i>Family child-care home</i>
<i>Eating and drinking place³</i>		<i>Funeral home/crematory</i>
<i>Educational service</i>		<i>Hospital</i>
<i>Fire or police facility</i>		<i>Manufacturing, heavy</i>
<i>Health care and social assistance</i>		<i>Mobile home park</i>
<i>Laboratory⁴</i>		<i>Resource land use</i>
<i>Mobile food service⁵</i>		<i>Retail sales, bulk</i>
<i>Multiple family dwelling⁶</i>		<i>Secure facility</i>
<i>Office</i>		<i>Single detached dwelling unit</i>
<i>Park</i>		<i>Utility facility</i>
<i>Personal service</i>		<i>Warehousing</i>
<i>Recreational facility, indoor</i>		<i>Wholesale trade</i>
<i>Recreational facility, outdoor⁷</i>		
<i>Religious institution</i>		
<i>Retail sales⁸</i>		
<i>Standalone parking⁹</i>		
<i>Supportive living facility</i>		
<i>Temporary lodging</i>		
<i>Transportation¹⁰</i>		
<i>Vehicle or equipment rental¹¹</i>		
<i>Vehicle refueling station¹²</i>		

¹ It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 330 feet, measured from the property line of the parcel or parcels proposed to contain the *adult entertainment business* to the property line of the parcels containing the *uses* in this subsection, without regard to intervening *structures* or objects, of any:

- a. *Residentially zoned property*;
- b. *Public or private school for general education of any grade K through 12*;
- c. *School bus stop*;
- d. *Licensed day care or licensed preschool facility*;
- e. *Public park*;

f. Publicly dedicated *trail*; provided, however, that the *setback* distance shall apply only on the south side of the Burke-Gilman Trail, and that there shall be no *setback* on the north side of that trail due to the separation provided by Highway 522;

g. Sports fields or playgrounds;

h. Recreation or community center;

i. *Religious institution*;

j. Public library.

It shall be unlawful for any person to establish an *adult entertainment business* or to relocate an *adult entertainment business* within 500 feet of another *adult entertainment business*, measured from the property line of the parcel or parcels containing the *adult entertainment business* and the proposed *adult entertainment business*.

² Repair work or service shall only be performed in an enclosed building, with no outdoor storage of materials.

³ Social card games, as defined by this title, are prohibited.

⁴ Laboratories that must comply with special containment procedures for large quantities of hazardous materials are subject to a conditional use permit.

⁵ Provided:

a. No permanent fencing, walls, or other structures shall be installed which hinder removal of the structure from the site, unless the structure is permanently permitted.

b. No required parking stall shall be blocked or rendered unusable as a result of the mobile vendor.

c. Safe ingress and egress shall be maintained. Visibility for transportation and pedestrian access shall be maintained.

d. The limited duration of the mobile vendor shall be established as a condition of approval of any applicable permits.

e. A sign permit is required for exterior signage in accordance with the sign code, Chapter 18.42 KMC.

⁶ Allowed only as part of a mixed use development subject to the conditions of Chapter 18.50 KMC.

⁷ Campgrounds and RV parks shall not be permitted.

⁸ Allowed only as part of a mixed use development.

⁹ All standalone surface parking lots for vehicles, boats and/or boat racks are limited in size to 10,000 sq.ft.

¹⁰ Only passenger transportation uses are permitted.

¹¹ Equipment rental is prohibited. Vehicle rental is allowed only as an accessory to a permitted use.

¹² Allowed only as an accessory to a permitted use.

¹³ Applies only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standards outlined in Chapter 18.60 KMC.

18.26.060 Accessory uses.

Accessory uses, when consistent with the definition in Chapter 18.20 KMC, are allowed as determined by the city manager.

18.26.070 Zoning standards.

The following zone-specific development standards in Table D apply in the regional business zone:

Table D. Regional Business Zone Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Acre</i>	48 du/ac
Maximum Density: <i>Dwelling Units/Acre</i>	72 du/ac ¹
Minimum Street Setback	10 ft. ²
Minimum Interior Setback	20 ft. ³
Maximum Height	55'
Maximum Impervious Surface: Percentage ⁴	90%

¹ This density may only be achieved through the application of residential density incentives or *transfer of density credits in mixed use developments*. See Chapter 18.80 KMC.

² Gas station pump islands shall be placed no closer than 25 feet to *street front lines*.

³ Required on property lines adjoining residential zones.

⁴ The *impervious surface* area for any *lot* may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*.

18.26.080 Additional development standards.

A. Where the regional business zone abuts a residential zone, the city manager may require additional landscaping pursuant to Chapter 18.35 KMC, blank wall treatments pursuant to Chapter 18.52 KMC, and/or measures to address building mass and bulk pursuant to Sections 18.52.310 and/or 18.52.330 KMC in order to mitigate impacts of new development on neighboring residential areas.

B. *Drive-through service* is permitted as an *accessory use*. *Drive-through service* shall be oriented to the side and/or rear of the *building*, and integrated into the exterior wall. Drive-through lanes shall not be located between the *street* and the main pedestrian access to the *buildings*. Modifications to these requirements may be reviewed through the site plan or building permit review process when meeting the intent of pedestrian orientation pursuant to Chapter 18.52 KMC, Downtown Design Standards.

C. Outdoor storage is prohibited in the Regional Business zone, west subarea. In the Regional Business zone, north subarea, accessory outdoor storage is limited to a maximum of 50% of the site area.

18.26.090 Conflict with design standards.

In the event of a conflict between Chapter 18.52 KMC, Downtown Design Standards, and regional business zone standards, the Kenmore downtown design standards shall prevail.

Chapter 18.30**DEVELOPMENT STANDARDS – GENERAL (Does not include entire chapter)**

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 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.

18.30.015**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 (Downtown Design Standards).**

18.30.112**Outdoor storage for nonresidential uses.**

- A. **Where outdoor storage is permitted, it shall meet the following standards:**

1. Storage shall not be permitted in required setbacks and shall not be located between the building(s) and the primary street.
 2. Storage shall be screened from view from the public right-of-way and adjacent residential zones using a minimum 6'-high solid wood fence, masonry wall, or vegetation approved by the city manager.
 3. Storage shall be maintained in a neat, orderly and safe manner;
 4. Outdoor storage areas shall be graded and shall meet the requirements of the city's Stormwater Pollution Prevention Manual. Outdoor storage areas may be surfaced with permeable materials if adequate drainage and erosion and dust control are provided.
 5. Lighting shall be directed away from adjacent residential zones and shall be shielded as necessary to reduce impacts.
- B. Exception: In cases where an outdoor storage area is used for purposes of product advertising, the city manager may make an exception to these standards. Exceptions shall be the minimum necessary to achieve the outdoor advertising purpose.

18.30.130

Recreation space – On-site areas.

A. Single-family detached subdivisions, *apartment, townhouse and mixed use development* of more than nine units in the R-4 through R-48 and DR zones and stand-alone *apartment or townhouse developments* in the NB, UC or DC zone of more than nine units, excluding age restricted *senior citizen* housing, shall provide a common recreational open space area on-site, except when facilities are available to the public that meet all of the following requirements:

1. Are developed as a county, municipal or regional *park*;
2. Are located within one-quarter-mile walking distance; and
3. Are accessible without crossing any arterial *street*.

B. Common recreational open space area designs shall comply with the following requirements:

1. Provide at least 45 square feet per *dwelling unit*, with a minimum size of 450 square feet;
2. Be adjacent to main pedestrian paths or near building entrances;
3. Be suitable and safe as a play space for children; and
4. Be graded and landscaped to encourage use by occupants of the *development*, including children. The *applicant* may provide permanent amenities (seating, picnic tables, play equipment, etc.). If play equipment is proposed, the equipment shall meet, at a minimum, the Consumer Product Safety Standards for equipment, soft surfacing and spacing.

C. Subdivisions with common recreational open space areas which are contained within the on-site stormwater tracts, but are located outside of the 100-year design water surface, may be credited for up to 50 percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The stormwater tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous stormwater and recreation tracts shall be recorded as one tract and dedicated to the homeowners' association or other organization as approved by the *city manager*;
2. The stormwater facilities shall be constructed to meet the following conditions:
 - a. The side slope of the stormwater facilities shall not exceed 33 percent unless slopes are existing, natural and covered with *vegetation*;
 - b. A bypass system or an *emergency* overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;
 - c. The stormwater facilities shall be landscaped and developed for passive recreation opportunities such as *trails*, picnic areas and aesthetic viewing; and

d. The stormwater facilities shall be designed so they do not require fencing pursuant to the Surface Water Design Manual.

D. In the case of joint use of the tract for stormwater facilities and recreation space, the *City* shall be responsible for maintenance of the stormwater facilities only and will require a drainage easement for that purpose.

E. A recreational open space plan shall be submitted to the *department* and reviewed and approved with engineering plans.

1. The recreational open space plan shall address all portions of the *site* which will be used to meet recreation space requirements of this section (including stormwater facilities). The plan shall show dimensions, finished grade, landscaping and improvements, as required by the *city manager*, to demonstrate that the requirements of this section have been met.

2. If engineering plans indicate that the on-site stormwater facilities or stormwater tract must be increased in size from that shown in preliminary approvals, the recreation plans must show how the required minimum recreation space pursuant to subsection A of this section will be met. [Ord. 11-0329 § 3 (Exh. 1).]

18.30.230

Setbacks – Projections and structures allowed.

Provided that the required *setbacks* from *regional utility corridors* of KMC 18.30.200, the adjoining half-street or designated arterial *setbacks* of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, *structures* may extend into or be located in required *setbacks*, including *setbacks* as required by KMC 18.21.060(B), as follows:

A. Fireplace *structures*, bay or garden windows, enclosed stair landings, closets, or similar *structures* may project into any *setback*, provided such projections are:

1. Limited to two per facade;
2. Not wider than 10 feet; and
3. Not more than 24 inches into an interior *setback* or 30 inches into a *street setback*;

B. Uncovered porches and decks which exceed 18 inches above the finished grade may project:

1. Eighteen inches into interior *setbacks* in the NB, CB, DR, DC, UC, DW, RB, PSP, P, and GC zones;

2. Eighteen inches into side *setbacks* in the R zones;
3. Eighteen inches into rear *setbacks* in the R-12 through R-48 zones;
4. Five feet into rear *setbacks* in the R-1 through R-6 zones; and
5. Five feet into *street setbacks*;

C. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line;

D. Eaves may not project more than:

1. Eighteen inches into an interior *setback*;
2. Twenty-four inches into a *street setback*; or
3. Eighteen inches across a lot line in a *zero-lot-line development*;

E. *Fences* with a height of eight feet or less may project into or be located in any *setback*;

F. Rockeries, *retaining walls* and curbs may project into or be located in any *setback*, provided these *structures*:

1. Do not exceed a height of six feet in the R-1 through R-18, parks and golf course zones;
2. Do not exceed a height of eight feet in the R-24, R-48 and downtown residential zones; and
3. Do not exceed the building height for the zone in commercial and public/semi-public zones, measured in accordance with the standards established in the *City building code*, KMC Title 15;

G. *Fences* located on top of rockeries, *retaining walls* or *berms* are subject to the requirements of KMC 18.30.040;

H. Telephone, power, light and flag poles;

I. The following may project into or be located within a *setback*, but may only project into or be located within a five-foot interior *setback* area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the *City* prior to the installment or construction of the *structure*:

1. Sprinkler systems, electrical and cellular equipment cabinets, air conditioning units, and other similar utility boxes and vaults;

2. Security system access controls;

3. *Structures*, except for *buildings*, associated with *trails* and on-site recreation spaces required in KMC 18.30.130 such as benches, picnic tables and drinking fountains; and

4. Surface water management facilities as required by Chapter 13.35 KMC;

J. Mailboxes and newspaper boxes may project into or be located within *street setbacks*;

K. Fire hydrants and associated appendages;

L. Metro bus shelters may be located within *street setbacks*;

M. Unless otherwise allowed in KMC 18.42.090, freestanding and *monument signs* four feet or less in height, with a maximum *sign* area of 20 square feet, may project into or be located within *street setbacks*; and

N. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with *setback*, easement and access requirements specified in the Surface Water Design Manual; or

2. In the absence of said specifications, not within five feet of the property line;

O. Minor improvements such as garden sculpture, *landscape water features*, trellises not attached to a building, and similar decorative *structures*;

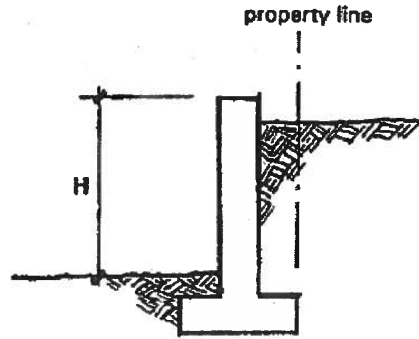
P. In a rear *setback* in the R-4 and R-6 residential zones, the following *structures* are permitted if it is determined by the *city manager* that they will not have any substantial detrimental effect on abutting properties or the *City* as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play *structures* not otherwise regulated by this title;

2. No more than one storage shed or similar *use*, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;

3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

RETAINING WALL IN SETBACK



H maximum 6' in R-1— R18, P and GC zones

H maximum of 8' in R-24, R-48 and DR zones

H not to exceed building height requirement in commercial and PSP zones

[Ord. 11-0329 § 3 (Exh. 1).]

18.30.250

Storage space and collection points for trash and recyclables.

Multiple-family dwelling and nonresidential *developments* shall provide storage space for the collection of trash and recyclables as follows (for all zones 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, as described in subsection G of this section):

A. The storage space shall be provided at the following rates, calculated based on any new *dwelling unit* in *multiple-family dwelling developments* and any new square feet of *building gross floor area* in any other *developments*:

1. One and one-half square feet per *dwelling unit* in *multiple-family dwelling developments* except where the *development* is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
2. Two square feet per every 1,000 square feet of *building gross floor area* in office, educational and institutional *developments*;
3. Three square feet per every 1,000 square feet of *building gross floor area* in manufacturing and other nonresidential *developments*; and
4. Five square feet per every 1,000 square feet of *building gross floor area* in retail *developments*.

B. The storage space for residential *developments* shall be apportioned and located in collection points as follows:

1. The required storage area shall be dispersed in collection points throughout the *site* when a residential *development* comprises more than one *building*.

2. There shall be one collection point for every 30 *dwelling units*.

3. Collection points may be located within residential *buildings*, in separate *buildings/structures* without *dwelling units*, or outdoors.

4. Collection points located in separate *buildings/structures* or outdoors shall be no more than 200 feet from a common entrance of a residential *building*.

5. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

C. The storage space for nonresidential *developments* shall be apportioned and located in collection points as follows:

1. Storage space may be allocated to a centralized collection point.

2. Outdoor collection points shall not be located in any required *setback* areas.

3. Collection points shall be located in a manner so that the swing of any collection point gate does not obstruct pedestrian or vehicle traffic or access to parking or that the gate swing or any hauling truck does not project into any public right-of-way.

4. Access to collection points may be limited, except during regular business hours and/or specified collection hours.

D. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for trash and recyclables.

2. Architectural design of any *structure* enclosing an outdoor collection point or any *building* primarily used to contain a collection point shall be consistent with the design of the primary *structure(s)* on the *site*.

3. Collection points shall be identified by *signs* not exceeding two square feet.

4. A minimum six-foot-tall wall or *fence* shall enclose any outdoor collection point.

5. Enclosures for outdoor collection points and *buildings* used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any *building* or other roofed *structure* used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of trash and recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

E. Only trash and *recyclable materials* generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

F. The *city manager* may waive or modify specific storage space and collection point requirements set forth in this section if the *city manager* finds, in writing, that an alternate program design proposed by the *applicant* meets the needs of the *development* and provides an equivalent or better level of storage and collection for trash and recyclables.

G. For 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~~, the standards in this section above apply as an option. The downtown design standards offer additional options for screening of storage for these ~~zones~~~~areas~~ only. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.35

DEVELOPMENT STANDARDS – LANDSCAPING

Sections:

- 18.35.010 Purpose.
- 18.35.020 Application.
- 18.35.030 Land use grouping.
- 18.35.040 Landscaping – Screen types and description.
- 18.35.045 Landscaping – General requirements.
- 18.35.050 Landscaping – Street trees for single-family subdivisions.
- 18.35.060 Landscaping along the Burke-Gilman public trail.
- 18.35.070 Landscaping – Surface parking areas.
- 18.35.080 Landscaping – General standards for all landscape areas.
- 18.35.090 Landscaping – Additional standards for required landscape areas.
- 18.35.100 Landscaping – Alternative options.
- 18.35.110 Landscaping – Plan design, design review, and installation.
- 18.35.120 Maintenance.
- 18.35.130 Financial guarantees.

18.35.010

Purpose.

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing *vegetation*; to promote water efficiency; to promote native wildlife; to reduce the impacts of *development* on drainage systems and natural habitats; and to increase privacy for residential zones by:

- A. Providing visual relief from large expanses of parking areas and reduction of perceived *building* scale;
- B. Providing physical separation between residential and nonresidential areas;
- C. Providing visual screens and barriers as a transition between differing land *uses*;
- D. Retaining existing *vegetation* and *significant trees* by incorporating them into the site design;
- E. Providing increased areas of permeable surfaces to allow for:
 - 1. Infiltration of surface water into ground water resources;
 - 2. Reduction in the quantity of stormwater discharge; and
 - 3. Improvement in the quality of stormwater discharge;
- F. Encouraging the use of native plant species by their retention or use in the landscape design;
- G. Encouraging the use of a diversity of plant species which promote native wildlife habitat.

[Ord. 11-0329 § 3 (Exh. 1).]

18.35.020

Application.

Except for *communication facilities* regulated pursuant to Chapter 18.60 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. 11-0329 § 3 (Exh. 1).]

18.35.030

Land use grouping.

To facilitate the application of this chapter, land *uses* have been grouped in the following manner:

A. "Residential development" refers to residential land uses; (except residential accessory uses, home occupation, and home industry), multiple family dwelling, supportive living facility, and temporary lodging.

B. "Attached/group residences" refers to:

1. Multiple family dwellings, including:

a. Townhouses, except as provided in subsection (C)(1) of this section;

2b. Apartments;

2. and d Detached dwelling units developed on common property at a density of 12 or more units per acre;

3. Senior citizen assisted living and supportive living facilities;

4. Temporary lodging;

5. Group residences other than Type I community residential facilities; and

6. Mobile home parks.

C. "Single-family development" refers to:

1. Residential subdivisions and short subdivisions, including attached and detached dwelling units on individually platted or short platted lots;

2. Any detached dwelling units located on a lot;

3. Family child-care homes; and

4. Type I community residential facilities.

D. "Commercial development" refers to:

1. Adult entertainment business; theater; theater, drive-in; bowling center; amusement and recreation services; shooting range; amusement arcades; amusement park; and outdoor performance center; arts, entertainment, and recreational facility;

2. "General services land uses" (except recycling centers, health and educational services, day care I, and church, synagogue, mosque, temple), personal service, and animal kennel/shelter;

3. "Retail land uses;" and retail sales (except forest product sales and agricultural crop sales) automotive sales, and vehicle refueling stations; and

4. Car washes.

E. "Industrial development" refers to:

1. Interim recycling facility;

2. "Government/business services land uses" (except public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; private stormwater management facility; and vector waste receiving facility), standard business service, office, warehousing, wholesale trade, and air transportation service;

3. "Manufacturing land uses"; and

4. Mineral extraction and processing.

F. "Institutional development" refers to:

1. Library, museum and conference center;

2. Church, synagogue, mosque, temple Religious institution; medical/dental office/outpatient clinics, nursing facilities, hospital, medical/dental lab, and miscellaneous health services, health care and social assistance, ambulatory surgery center, and laboratory; and educational service, elementary schools, middle/junior high schools, secondary or high schools, vocational schools, school district support facilities, and specialized instruction schools except specialized instruction schools permitted as an accessory use; and

3. Public agency or utility office; public agency or utility yard; public agency archives; court; police facility; fire facility; utility facility; commuter parking lot; standalone parking; private stormwater management facility; and vector waste receiving facility.

G. "Utility development" refers to utility facilities.

H. *Uses* that are not listed in this section shall not be subject to *landscaping* requirements except as specified in any applicable review of a *conditional use* or *special use permit*. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.040

Landscaping – Screen types and description.

The three types of *landscaping* screens are described and applied as follows:

A. Type I Landscaping Screen.

1. Type I *landscaping* is a “full screen” that functions as a visual barrier.
2. Type I *landscaping* shall minimally consist of:
 - a. A mix of primarily *evergreen trees* and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between 70 and 90 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 10 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. *Evergreen* shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

B. Type II Landscaping Screen.

1. Type II *landscaping* is a “filtered screen” that functions as a visual separator.
2. Type II *landscaping* shall minimally consist of:
 - a. A mix of *evergreen* and *deciduous trees* and shrubs generally interspersed throughout the landscape strip spaced to create a filtered screen;
 - b. At least 50 percent *deciduous trees* and at least 30 percent *evergreen trees*;
 - c. *Trees* provided at the rate of one per 20 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090;

C. Type III Landscaping Screen.

1. Type III *landscaping* is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations.
2. Type III *landscaping* shall minimally consist of:
 - a. A mix of *evergreen* and *deciduous trees* generally interspersed throughout the landscape strip and spaced to create a continuous canopy;
 - b. At least 70 percent *deciduous trees*;
 - c. *Trees* provided at the rate of one per 25 linear feet of landscape strip and spaced no more than 30 feet apart on center;
 - d. Shrubs provided at the rate of one per four linear feet of landscape strip and spaced no more than eight feet apart on center; and
 - e. Ground cover pursuant to KMC 18.35.090. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.045

Landscaping – General requirements.

	Street frontage perimeter landscaping (average width) ⁹	Interior lot line perimeter landscaping (average width) ¹⁴	Surface parking lots of 10 or more stalls

	Street frontage perimeter landscaping (average width)⁹	Interior lot line perimeter landscaping (average width)¹⁴	Surface parking lots of 10 or more stalls
Residential development ¹	10' Type III ⁸	5' Type II ⁸ 10' Type II ¹¹	20 sq. ft. per stall in common parking areas.
Commercial development ²	10' Type III	20' Type I ¹⁰	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Industrial development ³	10' Type II	10' Type II ¹² 20' Type I ¹⁰	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Institutional development ⁴	20' Type II ⁶	10' Type II	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.
Utility development ⁵	10' Type II ⁷	10' Type II ¹³	20 sq. ft. per stall if 10 – 30 stalls provided; 25 sq. ft. per stall if 31 or more stalls provided.

¹ As described in KMC 18.35.030(A).

² As described in KMC 18.35.030(D).

³ As described in KMC 18.35.030(E).

⁴ As described in KMC 18.35.030(F).

⁵ As described in KMC 18.35.030(G).

⁶ Excluding playgrounds and playfields.

⁷ For an above-ground *utility facilities development* only, excluding distribution and transmission corridors.

⁸ Only for attached/group residence *development* as described in KMC 18.35.030(B).

⁹ For all zones except the DC and DR zones. In the CB zone, where *street frontage setbacks* are required, the area within the *setback* must contain Type II landscaping.

¹⁰ Along any portion adjacent to a residential *development* as described in KMC 18.35.030(A).

¹¹ Along portions of an attached/group residence *development* as described in KMC 18.35.030(B) adjacent to property developed with single detached residences or vacant property that is zoned R-1 through R-6.

¹² Along any portion adjacent to a commercial or institutional *development* as described in KMC 18.35.030(D) and (F).

¹³ Excluding distribution or transmission corridors.

¹⁴ In the DC zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II landscaping. In the CB zone, where interior *setbacks* are required and/or provided, *setbacks* shall be landscaped with Type II landscaping.

[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*;

B. The 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 to accommodate sight distance requirements for driveways and intersections. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.060

Landscaping along the Burke-Gilman public trail.

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, 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. [Ord. 11-0329 § 3 (Exh. 1).] (MOVED TO NEW SECTION 18.30.015.)

18.35.070

Landscaping – Surface parking areas.

A. Trees shall be provided and distributed throughout the parking area at a rate of:

1. One *tree* for every three parking stalls for a commercial or industrial *development*; and
2. One *tree* for every five parking stalls for residential or institutional *development*;

B. The maximum distance between any parking stall and *landscaping* shall be no more than 100 feet;

C. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang;

D. Landscaping around the perimeter of a *site* that is in addition to the perimeter *landscaping* required by KMC 18.35.045 may count toward 10 percent of the required surface parking area *landscaping* 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 (see subsection F of this section), if it is adjacent to the parking area;

E. Parking area *landscaping* shall consist of:

1. Canopy-type *deciduous trees*, *evergreen trees*, *evergreen shrubs* and ground covers planted in islands or strips;
2. Shrubs that do not exceed a maintained height of 42 inches;
3. Plantings contained in planting islands or strips having an area of at least 100 square feet and with a narrow dimension of no less than five feet;
4. Ground cover in accordance with KMC 18.35.090; and
5. At least 70 percent of *trees* are *deciduous*; and

F. Standards for perimeter *landscaping* and screening of surface parking lots for 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, are defined in Chapter 18.52 KMC, Downtown Design Standards. All other landscape requirements for surface parking lot landscaping in this section apply to the DC and DR zones, and 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. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.080

Landscaping – General standards for all landscape areas.

All new landscape areas proposed for a *development* shall be subject to the following provisions:

A. *Berms* shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

B. All new turf areas, except all-weather, sand-based athletic fields, shall:

1. Be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep; or

2. Have an organic content of five percent or more to a depth of six inches.

C. Except as specifically outlined for turf areas in subsection B of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

D. Landscape areas, except turf or areas of established *ground cover*, shall be covered with at least two inches of *mulch* to minimize evaporation.

E. Plants having similar water use characteristics shall be grouped together in distinct hydro-zones.

F. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the *site*. Preservation of existing *vegetation* is encouraged. [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).]

18.35.100

Landscaping – Alternative options.

The following alternative landscape options may be allowed, subject to *City* approval, only if they accomplish equal or better levels of screening, or when existing conditions on or adjacent to the *site*, such as significant topographic differences, *vegetation*, *structures* or utilities would render application of this chapter ineffective or result in scenic view obstruction:

- A. The amount of required landscape area may be reduced to ensure that the total area for required *landscaping*, and/or the area remaining undisturbed for the purpose of wildlife habitat or corridors does not exceed 15 percent of the net developable area of the *site*. For the purpose of this subsection, the net developable area of the *site* shall not include areas deemed unbuildable due to their location within *critical areas* and any associated *buffers*;
- B. The average width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:
 1. *Berms* at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; or
 2. The landscape materials are incorporated elsewhere on-site;
- C. Where a local or subarea plan with design guidelines has been adopted, the *city manager* shall base the *landscaping* modifications on the policies and guidelines of such plan;
- D. When an existing *structure* precludes installation of the total amount of required *site* perimeter *landscaping*, such *landscaping* material shall be incorporated on another portion of the *site*;
- E. Single-stemmed *deciduous tree* species that cannot generally be planted and established in larger sizes may have a *caliper* of less than one and one-half inches;
- F. The number of *trees* and shrubs to be provided in required perimeter and parking area *landscaping* may be reduced up to 25 percent when a *development* uses landscaping materials consisting of species typically associated with the Puget Sound Basin in the following proportions:
 1. Seventy-five percent of *ground cover* and shrubs, and

2. Fifty percent of *trees*;

G. In the DC and DR zones, alternative landscape requirements may be proposed in order to retain *trees* (over 12 inches DBH if *deciduous* or eight inches DBH if *evergreen*, measured as average trunk diameter at chest height; measured four and one-half feet above grade). This alternative requirement applies only to *trees* which are beyond what is already required in the City's significant tree ordinance. Interior parking lot landscape requirements may be reduced at a 1:1 ratio equal to the land area within the drip line of the *tree* being retained. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.110

Landscaping – Plan design, design review, and installation.

A. The landscape plan submitted to the *department* shall be drawn on the same base map as the development plans and shall identify the following:

1. Total landscape area and separate hydrozones;
2. Landscape materials botanical/common name and applicable size;
3. Property lines;
4. *Impervious surfaces*;
5. Natural or manmade water features or bodies;
6. Existing or proposed *structures, fences, and retaining walls*;
7. Natural features or *vegetation* left in natural state; and
8. Designated recreational open space areas.

B. The proposed landscape plan shall be certified by a Washington State registered landscape architect, Washington State certified nurseryman, or Washington State certified landscaper.

C. An affidavit signed by an individual specified in subsection B of this section, certifying that the *landscaping* has been installed consistent with the approved landscaping plan, shall be submitted to the *department* within 30 days of installation completion, unless the installed *landscaping* has been inspected and accepted by the *department*.

D. The required *landscaping* shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required *landscaping* during the next appropriate planting season. A *financial guarantee* shall be required prior to issuance of the certificate of occupancy, if *landscaping* is not installed and inspected prior to occupancy. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.120

Maintenance.

A. All *landscaping* shall be maintained for the life of the project;

B. All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure;

C. With the exception of dead, diseased or damaged *trees* specifically retained to provide wildlife habitat, other dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season; and

D. Landscape areas shall be kept free of trash. [Ord. 11-0329 § 3 (Exh. 1).]

18.35.130

Financial guarantees.

Financial guarantees shall be required consistent with the provisions of KMC Title 21. This time period may be extended to one year by the *city manager*, if necessary to cover a planting and growing season. [Ord. 11-0329 § 3 (Exh. 1).]

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.
- 18.40.040 Shared parking requirements.
- 18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.
- 18.40.060 Parking for the disabled.
- 18.40.070 Loading space 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;
- C. Providing for parking and storage of bicycles;
- D. Providing safe, direct pedestrian access from public rights-of-way to *structures* and between *developments*; and
- E. Requiring *uses* which attract large numbers of employees or customers to provide transit stops. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.020

Authority and application.

A. Before an occupancy permit may be granted for any new or enlarged *building* or for a change of *use* in any existing *building*, the *use* shall be required to meet the provisions of this chapter.

B. If this chapter does not specify a parking requirement for a land *use*, the *city manager* shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the *site* shall be considered in determining anticipated demand. If the *site* is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than 75 percent of the anticipated demand. In the study the *applicant* shall provide sufficient information to demonstrate that the parking demand for a specific land *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the *city manager*.

C. If the required amount of off-street parking has been proposed to be provided off-site, the *applicant* shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts

shall be reviewed by the *city manager* for compliance with this chapter, and if approved, the contracts shall be recorded with the county records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the *city manager*.

D. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the *city manager* shall base allowable waivers or modifications on the policies and guidelines in such plan. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.030

Computation of required off-street parking spaces.

- A. Except as modified in KMC 18.40.040, 18.40.050 or 18.40.090, off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

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
RESIDENTIAL:		
Single detached	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
<i>Townhouse</i>	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		
Studio units	1.2 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
One bedroom units	1.5 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
Two bedroom units	1.7 per <i>dwelling unit</i>	1.5:du; tandem stalls permitted
Three bedroom units or larger	2.0 per <i>dwelling unit</i>	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Mobile home park</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i>
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping 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
<i>Community residential facilities</i>	1 per 2 bedrooms	1 per 2 bedrooms
<i>Dormitory, including religious</i>	1 per 2 bedrooms	1 per 2 bedrooms
<i>Hotel/motel including organizational hotel/lodging</i>	1 per bedroom	1 per bedroom
<i>Bed and breakfast guesthouse</i>	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses, arts/entertainment and recreational facility:</i>	1 per 300 square feet	1 per 300 square feet
<i>Exceptions:</i>		
<i>Bowling center</i>	5 per lane	5 per lane
<i>Golf course</i>	3 per hole, plus 1 per 300 square feet of clubhouse facilities	—
<i>Tennis club</i>	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	—
<i>Golf driving range</i>	1 per tee	—
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
<i>Theater</i>	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
GENERAL SERVICES:		
<i>General services land uses, personal service, and animal kennel/shelter:</i>	1 per 300 square feet	1 per 300 square feet
<i>Exceptions:</i>		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	—

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
<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>Church, synagogue, mosque, temple</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 offices	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 facilities	1 per 4 beds	—
Hospital	1 per bed	1 per bed
<i>Elementary schools</i>	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
<i>Secondary schools:</i>		
<i>Middle/junior high schools</i>	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
<i>High schools</i>	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
<i>High schools with stadiums</i>	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 students, or 1 per 3 fixed seats in stadium
<i>Vocational schools</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 schools</i>	1 per <i>school classroom</i> , plus 1 per 2 students	1 per <i>school classroom</i> , plus 1 per 2 students
Colleges/universities	1 per 2 commuting students, faculty and staff	—
<i>Artist studios</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
GOVERNMENT/BUSINESS SERVICES:		

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
<i>Government/business services land uses, standard business service, office, warehousing, and air transportation service:</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 archives</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	—
Courts	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
Police facility	(city manager)	(city manager)
Fire facility	(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
Warehousing and storage	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	—
Office	1 per 300 square feet	1 per 300 square feet
RETAIL/WHOLESALE:		
<i>Retail land uses, retail sales,</i>	1 per 300 square feet	1 per 300 square feet

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
<i>automotive sales, and vehicle refueling stations:</i>		
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
Gasoline service stations and vehicle refueling stations w/o grocery	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
Gasoline service stations and vehicle refueling stations w/grocery, no service bays	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
Wholesale trade uses	0.9 per 1,000 square feet	0.9 per 1,000 square feet
Retail 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	—
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 – Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. 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.

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. [Ord. 11-0329 § 3 (Exh. 1).]

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. [Ord. 11-0329 § 3 (Exh. 1).]

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, 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. 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. 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* and *manufacturing land uses*, *standard business service*, *office*, *warehousing*, *wholesale trade*, *air transportation service*, *ambulatory surgery center*, hospitals, *high schools*, *vocational schools*, universities and *specialized instruction schools* 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 to 9:00 a.m. and 4:00 to 6:00 p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving *government/business services*, *standard business service*, *office*, *warehousing*, *wholesale trade*, *air transportation service*, and *manufacturing land uses*, up to a maximum of 40 percent; and

2. Two percent for each run serving *recreational/cultural, arts, entertainment, recreational facility, general services, personal services, animal kennel/shelter, educational service, ambulatory surgery center, health care and social assistance, and retail/retail sales/wholesale land uses, automotive sales, and vehicle refueling station*, 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. 11-0329 § 3 (Exh. 1).]

18.40.100

Pedestrian and bicycle circulation and access.

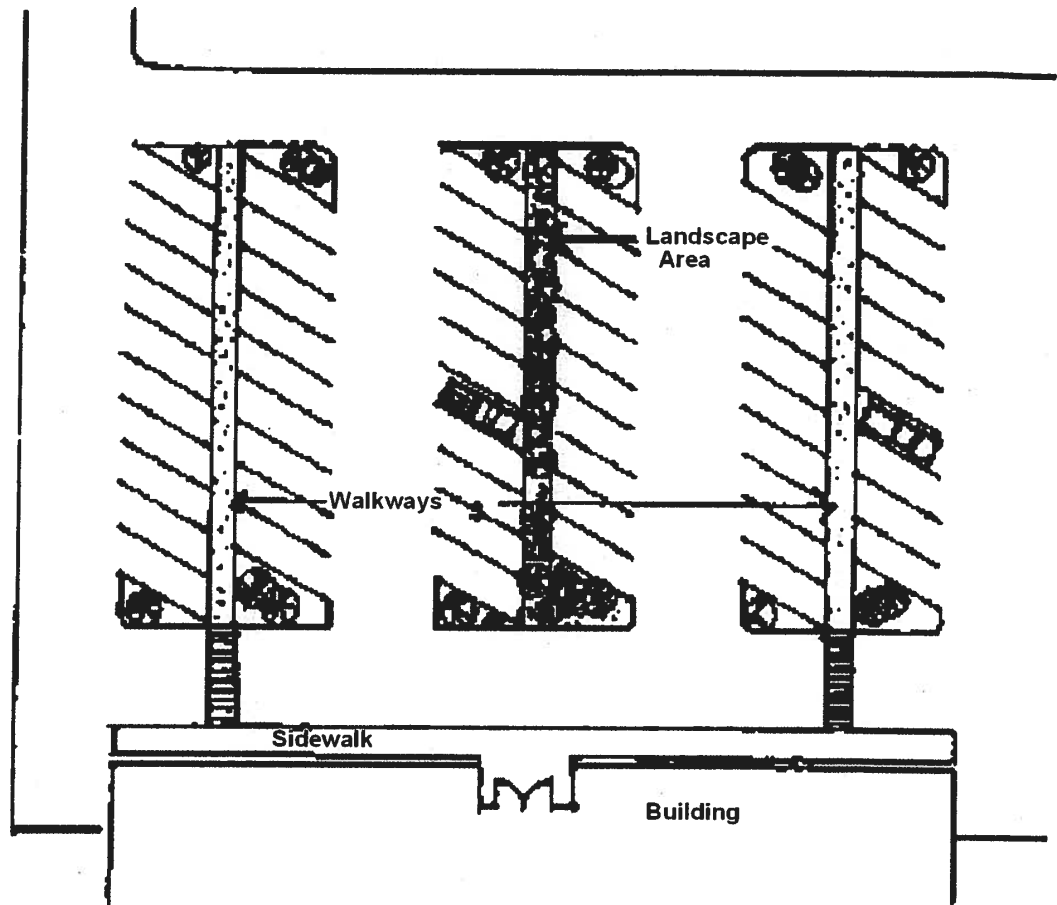
A. *Nonresidential Uses*. All permitted nonresidential *uses* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (1) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (2) at all 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.

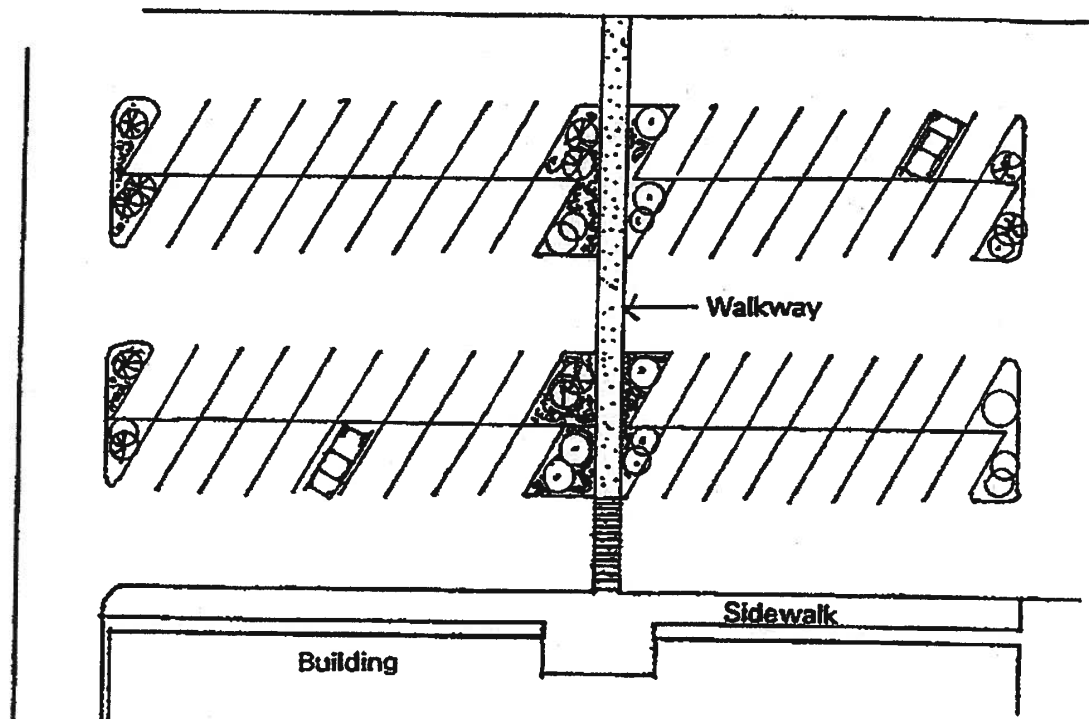


WALKWAYS RUNNING PARALLEL TO PARKING

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

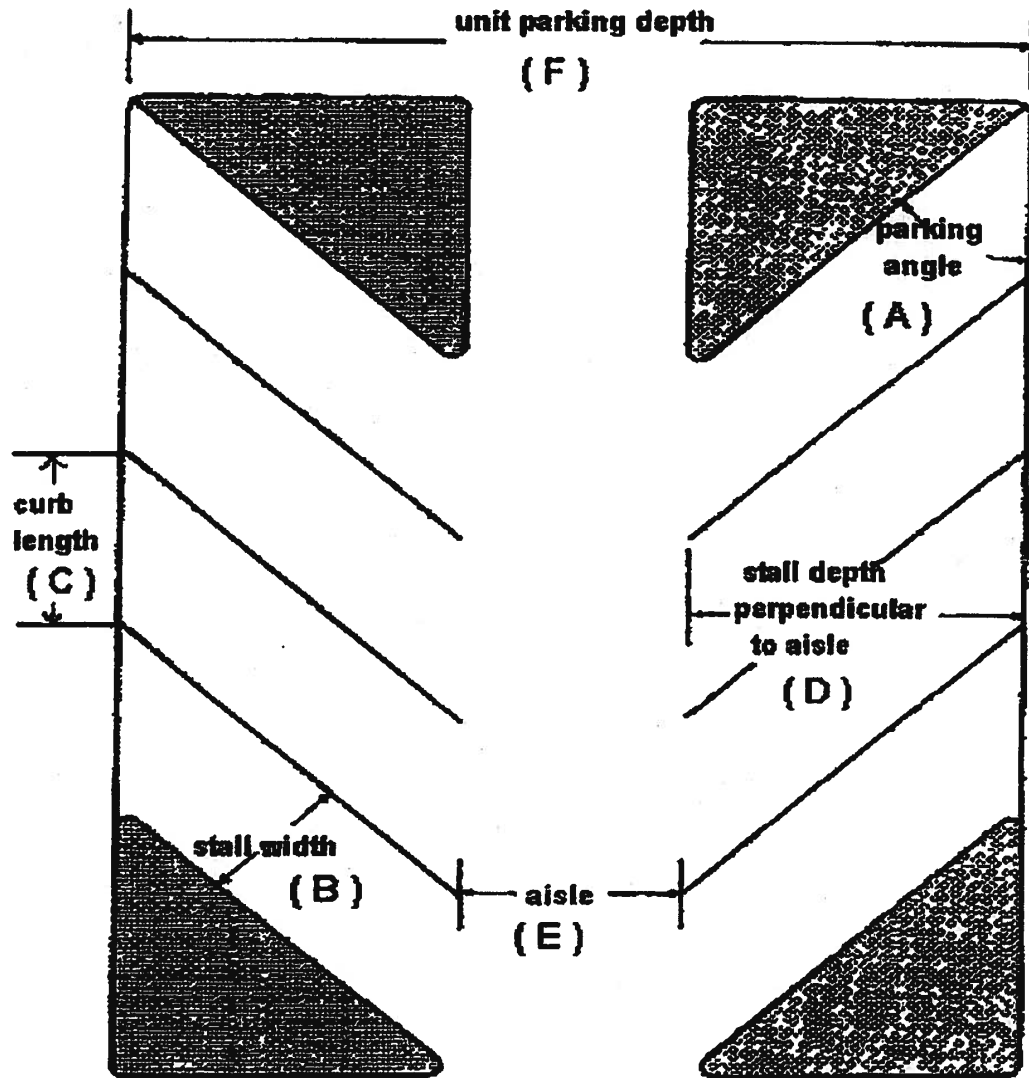
A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0

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
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

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated 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, Street Standards. Driveways for *single detached dwelling units*, no more than 20 feet in width, may cross required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, provided no more than 15 percent of the required *landscaping* or *setback* area is eliminated by the driveway. *Joint use driveways* may be located within required *landscaping* or *setback* areas. Driveways for all other *developments* may cross or be located within required *setbacks* or landscaped areas to provide access between the off-street parking areas and the *street*, if no more than 10 percent of the required *landscaping* is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the *street*.

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. 11-0329 § 3 (Exh. 1).]

18.40.120

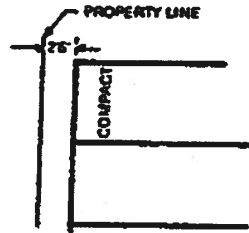
Off-street parking construction standards.

A. Off-street parking areas shall be paved in accordance with *City* street standards unless otherwise approved by the *city manager*.

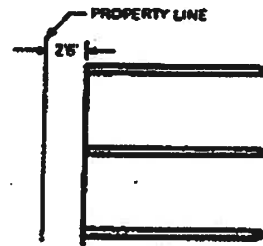
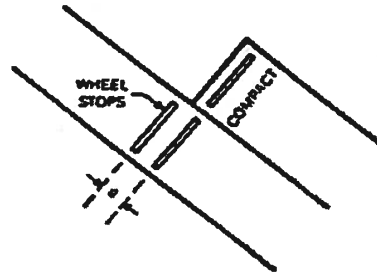
B. *Grading* work for parking areas shall meet the requirements of KMC Title 15. Drainage and erosion/sedimentation control facilities shall be provided in accordance with Chapter 13.35 KMC.

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.

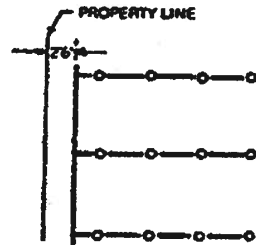
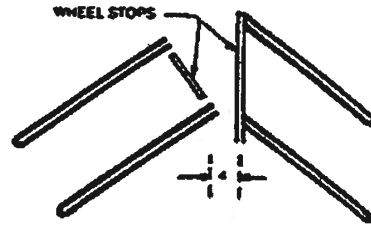
STALL MARKINGS AND WHEEL STOP LOCATIONS



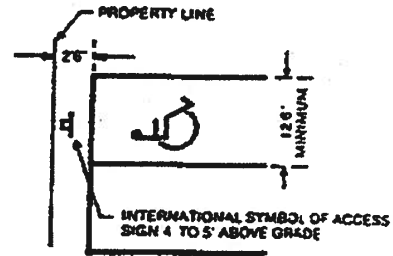
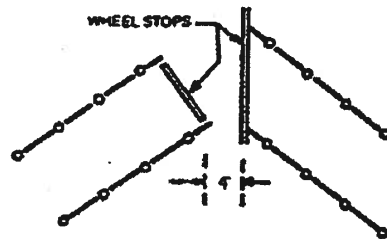
COMPACT MARKING



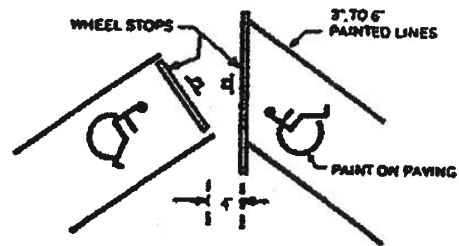
PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING



[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. 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 18.42

DEVELOPMENT STANDARDS – SIGNS

Sections:

- 18.42.010 Purpose.
- 18.42.020 Permit requirements.
- 18.42.030 Exempt signs.
- 18.42.040 Prohibited signs.
- 18.42.050 Sign area calculation.
- 18.42.060 General sign requirements.
- 18.42.070 Community bulletin board signs.
- 18.42.080 A-frame/sandwich board signs.
- 18.42.090 Residential zone signs.
- 18.42.100 Downtown commercial zone signs.
- 18.42.110 Neighborhood business zone signs.
- 18.42.120 Community business zone signs.
- 18.42.130 Urban corridor, waterfront commercial and Regional business zone signs.
- 18.42.135 Signs in the public/semi-public, parks and golf course zones.
- 18.42.140 Signs or displays of limited duration.
- 18.42.150 Billboards – Location and height standards.
- 18.42.160 Billboards – General requirements.
- 18.42.170 Billboards – Special restrictions in the CB zone.
- 18.42.180 Billboards – Alteration or relocation limitations.
- 18.42.190 Billboards – View and vegetative screening protections.
- 18.42.200 Billboard free areas.

18.42.010

Purpose.

The purpose of this chapter is to enhance the visual environment of the *City* by:

- A. Establishing standards that regulate the type, number, location, size, and lighting of *signs*;
- B. Recognizing the private purposes of *signs* for the identification of businesses and promotion of products and services; and
- C. Recognizing the public purposes of *signs*, which include considerations of traffic safety and economic and aesthetic welfare. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.020

Permit requirements.

A. Except as otherwise permitted by this chapter, no *sign* shall be erected, altered or relocated without approval by the *City*.

B. No building permit shall be required for repainting, cleaning, or other normal maintenance and repair of a *sign*, or for *sign* face and copy changes that do not alter the size or *structure* of the *sign*. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.030

Exempt signs.

The following *signs* or displays are exempted from the regulations under this chapter:

- A. Historic site markers or plaques, gravestones, and address numbers;
- B. *Signs* required by law, including but not limited to:
 - 1. Official or legal notices issued and posted by any *public agency* or court; or

2. Traffic directional or warning *signs*;

C. Plaques, tablets or inscriptions indicating the name of a *building*, date of erection, or other commemorative information, which are an integral part of the *building* structure or are attached flat to the face of the *building*, which are nonilluminated, and which do not exceed four square feet in surface area;

D. *Incidental signs*, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to *signs* providing directions, warnings or information when established and maintained by a *public agency*;

E. State or federal flags;

F. Religious symbols;

G. The flag of a commercial institution, provided no more than one flag is permitted per business premises, and further provided the flag does not exceed 20 square feet in surface area; and

H. *Signs* or banners installed in the right-of-way by the *City* for purposes of providing information, directions, or decoration. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.040

Prohibited signs.

Except as indicated by this chapter, the following *signs* or displays are prohibited:

A. *Portable signs* including, but not limited to, mobile readerboard *signs*, but excluding A-frame and sandwich board *signs* and other *signs* permitted under KMC 18.42.080 and 18.42.140;

B. *Private signs* on utility poles;

C. *Signs* which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with traffic control *signs* or signals;

D. *Signs* located in the public right-of-way, except where permitted in this chapter or otherwise by law;

E. Posters, pennants, banners, strings of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in KMC 18.42.140 as grand opening displays; and

F. *Changing message center signs*, where the message changes more frequently than every three minutes. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.050

Sign area calculation.

A. *Sign* area for nonmonument *freestanding signs* shall be calculated by determining the total surface area of the *sign* as viewed from any single vantage point, excluding support structures.

B. *Sign* area for letters or symbols painted or mounted directly on walls or *monument signs* or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

C. *Sign* area for *signs* contained entirely within a cabinet and mounted on a wall, roof or monument shall be calculated by measuring the entire area of the cabinet. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.060

General sign requirements.

A. All *signs*, except *billboards*, *community bulletin boards*, community identification *signs*, political *signs*, temporary real estate "A-frame" *signs* and special event *signs*, shall be *on-premises signs*; provided, that *uses* located on *lots* without public *street frontage* in business and office zones may have one *off-premises directional sign* of no more than 16 square feet.

B. *Fuel price signs* shall not be included in *sign* area or number limitations of KMC 18.42.100 through 18.42.135, provided such *signs* do not exceed 20 square feet per *street frontage*.

C. Projecting and *awning signs* shall not be permitted for *uses* in the residential zones. *Signs* mounted on the sloping portion of roofs shall not be permitted in the residential, downtown residential, and downtown commercial zones. Allowances for projecting and *awning signs* in the downtown commercial zone are found in KMC 18.42.100. In other zones, projecting and *awning signs* and *signs* mounted on the sloping portion of roofs may be used in lieu of *wall signs*, provided:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting *building facade*;
3. They meet the standards of subsection J of this section if mounted on the roof of a *building*;

and

4. They shall not exceed the number or size permitted for *wall signs* in a zone.

D. *Changing message center signs*, and *time and temperature signs*, which can be a wall or *freestanding sign*, shall not exceed the size permitted for a wall or *freestanding sign*, and shall be permitted only in the NB, CB, UC, WC, and RB zones. *Changing message center signs* and *time and temperature signs* shall not exceed the maximum *sign* height permitted in the zone.

E. *Directional signs* shall not be included in the *sign* area or number limitation of KMC 18.42.080; provided, they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. *Sign Illumination and Glare*.

1. All *signs* in the NB, CB, UC, WC, RB or DC zone districts may be illuminated. *Signs* in all other zones may be indirectly illuminated, provided the light source for *indirectly illuminated signs* shall be no farther away from the *sign* than the height of the *sign*;

2. *Indirectly illuminated signs* shall be arranged so that no direct rays of light are projected from such artificial source into residences or any *street* right-of-way;

3. Electrical requirements for *signs* shall be governed by Chapter 19.28 RCW and WAC 296-46-910; and

4. *Signs* with an on/off operation shall be permitted only in the CB, WC, UC, and RB zones.

G. Maximum height for *wall signs* shall not extend above the highest exterior wall or *structure* upon which the *sign* is located, except in the DC zone which is governed by KMC 18.42.100.

H. Maximum height for *projecting signs* shall not extend above the highest exterior wall upon which the *projecting sign* is located.

I. Maximum height for *awning signs* shall not extend above the height of the awning upon which the *awning sign* is located.

J. Any *sign* attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the *building* itself, and shall not extend above the roof ridge line of the portion of the roof upon which the *sign* is attached.

K. Except as otherwise permitted by this chapter, *off-premises directional signs* shall not exceed four square feet in *sign* area.

L. *Mixed use developments or multiple family dwellings* in the NB, CB, DC, UC, WC, or RB zones are permitted one permanent residential identification *sign* not exceeding 32 square feet in addition to the maximum *sign* area requirements in the zone where the *mixed-use development* is located. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.070

Community bulletin board signs.

One *community bulletin board sign* is permitted at public schools, in addition to other permitted public school signage. *Community bulletin board signs* are subject to the following provisions:

- A. *Community bulletin board signs* shall not exceed 32 square feet per side;
- B. *Community bulletin board signs* may be internally illuminated;

C. *Community bulletin board signs* may be electrically controlled and may contain messages that change at intervals of five seconds or greater. All such *signs* shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;

D. *Community bulletin board sign* messages are limited to those notifying the public of community events and public services. No commercial advertising shall be permitted on *community bulletin board signs*. Lettering shall be only one color;

E. *Community bulletin board signs* shall not be located in the right-of-way and shall not impede pedestrian or vehicular traffic;

F. *Wall signs* and *freestanding signs* are permitted; and

G. The maximum height for *freestanding signs* shall not exceed 15 feet. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.080

A-frame/sandwich board signs.

A-frame/sandwich board *signs* shall be permitted throughout the *City*; provided, that:

A. *Sign* does not exceed six square feet per face;

B. *Sign* is only displayed during business hours;

C. *Sign* must be displayed on the property containing the business;

D. *Sign* must not be located in the right-of-way or impede pedestrian or vehicular traffic;

E. Only one *sign* for each *street frontage* shall be permitted, up to a maximum of two *signs*; and

F. No banners, streamers, balloons or pennants may be attached to any *sign*. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.090

Residential zone signs.

Signs in the downtown residential and R zones are limited as follows:

A. Nonresidential Use.

1. One *sign* identifying nonresidential *uses*, not exceeding 25 square feet and not exceeding six feet in height, is permitted;

2. Schools are permitted one *sign* per school or school facility entrance, which may be located in the *setback*. Two additional *wall signs* attached directly to the school or school facility are permitted;

3. *Home occupation* and *home industry signs* are limited to *wall signs* not exceeding six square feet.

B. Residential Use.

1. One residential identification *sign* not exceeding two square feet is permitted; and

2. One *permanent residential development identification sign* not exceeding 32 square feet is permitted per *development*. The maximum height for the *sign* shall be six feet. The *sign* may be free-standing or mounted on a wall, *fence*, or other *structure*. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.100

Downtown commercial zone signs.

Signs in the downtown commercial zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 10 percent of the *building facade* on which they are located and provided they are limited to *building facades* with *street frontage* or to *building facades* with a business entrance if the business has an exterior facade which does not face a *street*. A maximum of two *wall signs* may be permitted per allowed facade, except that multitenant *buildings* may have one *wall sign* per business. The *wall sign* shall be placed on the facade not more than 25 feet above grade, measured to the top of the *sign*, except that properties

fronting SR-522 may have one *wall sign* above 25 feet above grade if the *sign* is limited to the name and/or logo of the business(es) or *development*.

B. Freestanding Signs.

1. Number and Size.

a. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*. Properties fronting SR-522 may have one *freestanding sign* for the frontage along SR-522 that shall not exceed 75 square feet.

b. Properties providing *freestanding signs* no greater than five feet in height are allowed a maximum *sign* size of 60 square feet, unless located on SR-522 where such *signs* shall not exceed 85 square feet;

2. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined, provided the combined *sign* does not exceed 80 square feet, except that properties fronting SR-522 may combine signage to a maximum of 100 square feet; and

3. The maximum height for *freestanding signs* shall be 15 feet, unless the *sign* is placed along the frontage of SR-522 when it may be a maximum of 25 feet in height.

C. Awning Signs. An *awning sign(s)* may be used in place of a *wall sign* or *freestanding sign*. A maximum of 50 square feet of copy may appear on the vertical face area; the drop edge of the awning shall not exceed 12 inches in height. The maximum height of an awning shall be 10 feet. Awnings may extend over the right-of-way and have clearances according to the terms of the adopted International Building Code. The *awning sign* shall be unlit or externally illuminated. Directed lighting under an awning for purposes of lighting a business entrance is allowed. Backlighting of awnings for *sign* purposes shall not be permitted.

D. Projecting Signs. A *projecting sign(s)* may be used in place of a *wall sign* or *freestanding sign*. Such *projecting signs* shall not exceed 12 square feet in size if unlit or externally lit, or six square feet if internally lit. Such *signs* shall be located on *building facades* with *street frontage* or to *building facades* with a business entrance if the business has an exterior facade which does not face a *street*. A *projecting sign* may extend over the public right-of-way by no more than four feet from the wall it is mounted on. When projecting over a public right-of-way, a minimum of eight feet clearance above the surface of the sidewalk is required. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.110

Neighborhood business zone signs.

Signs in the NB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 10 percent of the *building facade* on which they are located;

B. Freestanding Signs.

1. One *freestanding sign* not exceeding 50 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple-tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* does not exceed 150 square feet; and

4. The maximum height for *freestanding signs* shall be 15 feet. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.120

Community business zone signs.

Signs in the CB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. *Freestanding Signs*.

1. One *freestanding sign* not exceeding 85 square feet, plus an additional 20 square feet for each additional business in a multiple-tenant *structure* but not to exceed 145 square feet total, is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple-tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage*;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined, provided the combined *sign* area does not exceed 250 square feet; and

4. The maximum height for *freestanding signs* shall be 20 feet. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.130

Urban corridor, waterfront commercial, and Regional business zone signs.

Signs in the UC, WC and RB zones shall be limited as follows:

A. *Wall signs* are permitted, provided they do not total an area more than 15 percent of the *building facade* on which they are located;

B. *Freestanding Signs*.

1. One *freestanding sign* not exceeding 170 square feet is permitted for each *street frontage* of the *lot*, provided corner *lots* with a *street frontage* of less than 100 feet on each *street* shall be permitted only one *freestanding sign*;

2. Multiple-tenant *developments* that have more than 300 feet of *street frontage* on one *street* may have one additional *freestanding sign* for each 300 feet of *street frontage*, or portion thereof. Such *signs* shall be separated from one another by a minimum of 150 feet, if located on the same *street frontage* not exceeding 150 square feet;

3. On *lots* where more than one *freestanding sign* is permitted, the *sign* area permitted for individual *freestanding signs* may be combined; provided the combined *sign* area does not exceed 300 square feet; and

4. The maximum height for a *freestanding sign* shall be 25 feet. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.135

Signs in the public/semi-public, parks and golf course zones.

Signs in the public/semi-public, parks or golf course zone shall meet the standards of the nearest adjoining zone to which the *sign* faces. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.140

Signs or displays of limited duration.

The following temporary *signs* or displays are permitted and except as required by the International Building Code, or as otherwise required by this chapter, do not require building permits:

A. Grand Opening Displays.

1. *Signs*, posters, pennants, banners, strings of lights, blinking lights, balloons and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise, the

opening of an enterprise under new management, or the re-opening of an enterprise following a substantial building remodel; and

2. All grand opening displays shall be removed upon the expiration of 30 consecutive days;

B. Construction Signs.

1. Construction *signs* identifying architects, engineers, planners, contractors or other individuals or firms involved with the construction of a *building* and announcing the character of the *building* or the purpose for which the *building* is intended may be displayed;

2. One nonilluminated, double-faced *sign* is permitted for each public *street* upon which the project fronts;

3. No *sign* shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

4. Construction *signs* must be removed by the date of first occupancy of the premises or one year after placement of the *sign*, whichever occurs first;

C. Political Signs.

1. *Signs*, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on *private* property with the consent of the property owner. Any such *sign*, poster or bill shall be removed within 10 days following the election; and

2. No *sign*, poster, bill or other advertising device shall be located on public property or within public easements or *street* right-of-way;

D. Real Estate Signs. All temporary real estate *signs* may be single- or double-faced *signs*:

1. *Signs* advertising an individual residential unit for sale or rent shall be limited to one *sign* per *street* frontage. The *sign* may not exceed eight square feet in area, and shall not exceed six feet in height. The *sign* shall be removed within five days after closing of the sale, lease or rental of the property.

2. Real estate open house A-frame/sandwich board residential *directional signs* announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each *sign*, and shall not exceed 42 inches in height. Such *signs* shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

3. On-site commercial or industrial property for sale or rent *signs* shall be limited to one *sign* per *street* frontage, and shall not exceed 32 square feet in area. The *sign* shall not exceed 12 feet in height. The *sign* shall be removed within 30 days after closing of the sale, lease or rental of the property.

4. On-site residential *development* for sale or rent *signs* shall be limited to one *sign* per *development*. The *sign* shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. The *sign* shall be removed within 30 days after closing of the sale or rental of the last *lot* or *dwelling unit* in the *development* or within three years of installation, whichever occurs first.

5. Off-site *directional signs* for residential *developments* shall be limited to six *signs*. Each *sign* shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential *development*. The *sign(s)* shall be placed a maximum of two *street* miles from the nearest residential *development* entrance. No two *signs* for one residential *development* shall be located closer than 500 feet from one another on the same *street*. The *sign(s)* shall be removed within 30 days after closing of the sale or rental of the last *lot* or *dwelling unit* in the *development* or within three years of installation, whichever occurs first.

6. Residential on-premises informational *signs* shall be limited to one *sign* per feature, including but not limited to *signs* for information centers, model homes, parking areas or announcing features such as *parks*, playgrounds, or *trails*. Each *sign* shall not exceed 16 square feet in area, and shall not exceed six feet in height;

E. Community Event Signs.

1. Community event *signs* shall be limited to announcing or promoting a nonprofit sponsored community fair, festival or event;
2. Community event *signs* may be displayed no more than the time period specified in the temporary use permit issued pursuant to Chapter 18.100 KMC; and
3. Community event *signs* shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.150

Billboards – Location and height standards.

A. All *billboard* alterations or relocations shall comply with the following location and design standards:

1. *Billboards* shall only be located on *sites* zoned CB, **UC, WC**, or RB;
2. No more than five *billboard faces* shall be oriented toward and visible from the same direction of travel within one mile of the proposed relocation *site* as measured along the adjacent roadway;
3. *Billboards* shall be located at least 100 feet from any other *billboard*, provided side-by-side, v-type and back-to-back *billboard faces* shall be considered one *billboard* for purposes of this subsection only;
4. The zoning on the opposite side of the *street* from a proposed relocation *site* must also permit *billboards*;
5. Type II *billboards* shall be at least 100 feet from any residential zone. Type I *billboards* shall be at least 330 feet from any residential zone;
6. No *billboard* shall extend beyond the property line of the *billboard site*;
7. No *billboard* shall be located more than 100 feet from any adjacent arterial;
8. *Billboards* shall observe the same *street setback* as all *buildings* within 50 feet of the proposed *billboard* location;
9. Type I *billboard faces* shall only be located adjacent to arterials developed with at least two primary travel lanes in each direction. In all other locations, *billboards* shall be limited to Type II *billboard faces*; and
10. No single *billboard structure* shall support a total of more than two Type I *billboard faces* or the equivalent, and no single *billboard structure* shall orient more than one Type I *billboard face* or the equivalent in any single direction.

B. Height. *Billboards* located in the CB, **UC, WC**, or RB zone shall not exceed 15 feet above the average height of all *buildings* within 330 feet of the *billboard* or 35 feet, whichever is less. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.160

Billboards – General requirements.

A. The total number of *billboard faces* within the *City* shall not exceed the total number of *billboard faces* existing on June 20, 1988, except as provided in KMC 18.42.180(E). In addition, the total number of existing *billboard faces* within each zone permitting *billboards* shall not be exceeded except as provided in KMC 18.42.170.

B. As soon as practical after incorporation, the *City* shall compile an inventory of existing *billboards* within the *City*. Until the inventory is completed, no *billboard* shall be erected, modified, or relocated, nor shall the *City* issue any permits. Following completion of the inventory, the *City* shall grant a *billboard* permit for each existing *billboard* reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this chapter. Only inventoried *billboards* may be subsequently issued *billboard* alteration or relocation permits. *Billboard* owners can accelerate the inventory process by providing the necessary inventory information for their *billboards*. If owners have provided necessary inventory information for all *billboards* in their ownership, the *City* shall

release *billboard* permits for that ownership, regardless of the degree of completion of the remainder of the inventory. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.170

Billboards – Special restrictions in the CB zone.

A. In the event that a *billboard* owner elects to relocate CB-zoned *billboards* outside of the CB zone, the CB zone designation shall be removed and that permit may not later be used to relocate a *billboard* in the CB zone.

B. *Billboards* may be relocated only within the zone district identified on the valid *billboard* permit, except the number of *billboards* permitted within a non-CB zone district may increase only as a result of *billboard* relocation from within the CB zone district. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.180

Billboards – Alteration or relocation limitations.

A. Except as provided in subsection D of this section, *billboards* shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a *billboard* alteration or relocation permit. All such permits shall require full compliance with the provisions of KMC 18.42.150 through 18.42.200.

B. There shall be no time limit on the eligibility to alter or relocate inventoried *billboards*; however, individual alteration and relocation permits shall expire if the approved modifications are not completed within one year of permit issuance. Any project not completed within this period shall be placed in a holding category until a new permit is issued by the *City*, and no further work on the subject *billboard* shall occur until a permit is issued.

C. Relocation of inventoried *billboards* shall also require the issuance of a demolition permit for the removal of the existing *billboard*. *Billboard* demolitions shall be completed within 90 days of permit issuance and prior to installation of the relocated *billboard*.

D. Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of an inventoried *billboard* shall not require alteration permits. *Billboard* copy replacement may occur at any time and is exempt from the requirement for alteration permits, provided:

1. New Type II *billboard faces* do not exceed the size of previously inventoried faces; or
2. New Type I *billboard faces* may only exceed the size of the previously inventoried face with temporary cut-out extensions if the *billboard* is otherwise conforming, and if the extensions do not exceed a total of 125 square feet. Any extension shall be removed with the next change of *billboard* copy.

E. Single Type I *billboard faces* may be replaced with two side-by-side Type II *billboard faces*, and likewise two side-by-side Type II *billboard faces* may be replaced with a single Type I *billboard face*, provided each resulting *billboard face* complies with the location and height standards of KMC 18.42.150.

F. Any location or orientation alteration of *billboards* conforming to the provisions of KMC 18.42.150 through 18.42.200 shall be accompanied by the alteration or relocation of an equal number of *billboards* under the control of the same *applicant* which do not fully conform to these provisions, if any nonconforming *billboards* exist. Whenever more than one nonconforming *billboard* exists under a single ownership, they shall be made conforming in the following order:

1. *Billboards* deemed nonconforming pursuant to KMC 18.42.190;
2. *Billboards* located in zones which do not allow *billboards*;
3. *Billboards* located in *billboard* free areas;
4. *Billboards* located in the CB zone district; and
5. Any other nonconforming *billboard*. [Ord. 11-0329 § 3 (Exh. 1).]

18.42.190

Billboards – View and vegetative screening protections.

A. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200 or other applicable laws or regulations, no *billboard* shall be located or oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt. Baker, the Olympic Mountains, or any lake or river from adjacent public roadways. All applications for *billboard* alteration or relocation shall be certified by the *applicant* as meeting this provision. Any *billboard* subsequently found to violate this provision shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.42.180(F).

B. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200 or other applicable law or regulation, no *billboard* owner or his agent shall remove, cut, or otherwise alter any vegetative screening on public property or *private landscaping* required by code as a condition of permit approval in order to improve the visibility of a nearby *billboard*. Should such an alteration occur, any *billboard* so benefited shall be deemed nonconforming and shall be required to become the next nonconforming *billboard* relocated pursuant to KMC 18.42.180(F). [Ord. 11-0329 § 3 (Exh. 1).]

18.42.200

Billboard free areas.

A. Notwithstanding any other provision of KMC 18.42.150 through 18.42.200, no *billboard* shall be relocated in any of the following areas:

1. Sites listed in either the Washington State or National Register of Historic Places or on sites designated as *City* landmarks or community landmarks;
2. *Open space* and scenic resource sites identified in a *City open space* plan;
3. Between any sites identified in subsection (A)(1) or (A)(2) of this section and the nearest adjacent public roadways;
4. Within 660 feet of any State or *City park*;
5. The south and east side of State Highway 522 from Northeast 149th Street to 68th Avenue Northeast;
6. Northeast 175th Street from 61st Avenue Northeast to 68th Avenue Northeast.

B. After *City* incorporation, any *billboard* located in a designated *billboard* free area shall be deemed nonconforming and shall be relocated pursuant to KMC 18.42.180(F). [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.47

PROPERTY-SPECIFIC DEVELOPMENT STANDARDS/SPECIAL DISTRICT OVERLAYS

Sections:

- 18.47.010 Purpose.
- 18.47.030 Property-specific (P-suffix) development standards.
- 18.47.040 Special district overlays (SO) development standards.

18.47.010

Purpose.

The purposes of this chapter are to provide for alternative development standards to address unique *site* characteristics and to address development opportunities which can exceed the quality of standard *developments*, by:

- A. Identifying property-specific development standards for increasing minimum requirements of this title on individual *sites*; or
- B. Identifying special district overlays with alternative standards for special areas designated by the comprehensive plan. [Ord. 11-0329 § 3 (Exh. 1).]

18.47.030

Property-specific (P-suffix) development standards.

A. Adopted property-specific development standards are maintained by the *department* in the property-specific development standards notebook. The property-specific development standards apply to any *development proposal* on the subject properties. The following P-suffix development standards are in effect: NS-P1, NS-P4, NS-P10, NS-P13, and NS-P19.

B. Property-specific development standards address problems unique to individual properties or a limited number of neighboring properties that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. [Ord. 11-0329 § 3 (Exh. 1).]

18.47.040

Special district overlays (SO) development standards.

Special district overlays include policies that prescribe the purposes and location of the overlay.

A. Adopted special district overlays are maintained by the *department* in the property-specific development standards notebook. The special district overlay development standards apply to any *development proposal* on the subject properties. The following SO development standards are in effect: SO-050;

B. Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other *City* ordinances and regulations govern all *development* and *land uses* within special district overlays; and

C. A special district overlay on an individual *site* may be modified by property-specific development standards as provided in KMC 18.47.030. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.50

DEVELOPMENT STANDARDS – DESIGN REQUIREMENTS FOR SPECIFIC USES

Sections:

- 18.50.010 Purpose.
- 18.50.050 Townhouse development.
- 18.50.060 Attached dwellings and group residences – Applicability.
- 18.50.070 Attached dwellings and group residences – Vehicular access and parking location.
- 18.50.080 Attached dwellings and group residences – Building facade modulation.
- 18.50.090 Mixed use development – Percentages of residential uses.
- 18.50.100 Mixed use development – Residential density.
- 18.50.110 Mixed use development – Building floor area.
- 18.50.120 Mixed use development – Design features.
- 18.50.140 Mobile home parks – Standards for existing parks.
- 18.50.150 Mobile home parks – Standards for new parks.
- 18.50.160 Mobile home parks – Alternative design standards.
- 18.50.180 Re-use of facilities – Purpose.
- 18.50.200 Re-use of facilities – General standards.
- 18.50.210 Re-use of facilities – Re-establishment of closed public school facilities.
- 18.50.220 Re-use of facilities – Standards for conversion of historic buildings.
- 18.50.230 Hazardous liquid and gas transmission pipelines.

18.50.010

Purpose.

The purpose of this chapter is to improve the quality of *development* by providing *building* and site design standards for specific *uses* that:

- A. Reduce the visual impact of large residential *buildings* from adjacent *streets* and properties;
- B. Enhance the aesthetic character of large residential *buildings*;
- C. Contain sufficient flexibility of standards to encourage creative and innovative *site* and *building* design;
- D. Enhance aesthetics and environmental protection through site design; and
- E. Allow for continued or adaptive re-use of *historic resources* while preserving their historic and architectural integrity. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.050

Townhouse development.

In the R-1 through R-6 zones and in the NB zone, a *building* that contains a grouping of attached *townhouse* units shall not exceed a 200-foot maximum length without a separation of at least 10 feet from other groupings or rows of *townhouses*. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.060

Attached dwellings and group residences – Applicability.

The standards of KMC 18.50.070 and 18.50.080 shall apply to all new *apartment developments* exceeding four *dwelling units*, new *townhouse development* and new group residences except Class I *community residential facilities (CRF-I)*. Expansions of existing *development* that involve four or more *dwelling units* shall be subject to compliance with KMC 18.50.070 and 18.50.080. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.070

Attached dwellings and group residences – Vehicular access and parking location.

Except for *development* located in the downtown commercial or downtown residential 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 must comply with Chapter 18.52 KMC, Downtown Design Standards, the following requirements apply:

A. On *sites* abutting an *alley* constructed to a width of at least 20 feet, *apartment* and *townhouse development* and all group residences except Class I *community residential facilities (CRF-I)* shall have parking areas placed to the rear of *buildings* with primary vehicular access via the *alley*, except when waived by the *city manager* due to physical *site* limitations.

B. When *alley* access is provided, no additional driveway access from the public *street* shall be allowed except as necessary to access parking under the *structure* or for fire protection.

C. When the number of uncovered common *parking spaces* for attached dwellings and group residences exceeds 30 spaces and when there is *alley* access, no more than 50 percent of these uncovered *parking spaces* shall be permitted between the *street* property line and any *building*, except when authorized by the *city manager* due to physical *site* limitations. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.080

Attached dwellings and group residences – Building facade modulation.

Except for *development* located in the downtown commercial or downtown residential 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 must comply with Chapter 18.52 KMC, Downtown Design Standards, *apartment* and *townhouse developments* and all group residences shall provide *building facade modulation* on facades exceeding 60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

A. The maximum wall length without *modulation* shall be 30 feet; and

B. The sum of the modulation depth and the modulation width shall be no less than eight feet. Neither the modulation depth nor the modulation width shall be less than two feet;

C. Any other technique approved by the *city manager* that achieves the intent of this section. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.090

Mixed use development – Percentages of residential uses.

Residential *uses* in *mixed use developments* shall be subject to the following limits:

A. A maximum of 50 percent of the total built floor area when located in NB zones; and

B. A maximum of 75 percent of the total built floor area when located in CB, **UC, WC**, RB and DC zones; provided, that the total percentage may be increased by an additional 10 percent with the approval of the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.100

Mixed use development – Residential density.

Base residential density for *mixed use developments* shall be determined using total *site area* according to KMC 18.30.020. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.110

Mixed use development – Building floor area.

A. For *mixed use developments* that utilize at least 50 percent of building square footage for residential *uses* in RB zones, the *building floor area ratio* shall be as follows: 4.0/1;

~~B. Building floor area ratios of subsection A of this section may be increased when all required parking is contained within a common parking structure, as follows: 5.0/1 in RB zone. [Ord. 11-0329 § 3 (Exh. 1).]~~

18.50.120

Mixed use development – Design features.

Mixed use development shall provide off-street parking behind or to the side of *buildings*, or enclosed within *buildings*, consistent with KMC 18.40.030 and any applicable design standards for the district. Relief from this requirement may be granted by the *city manager* only if the *applicant* can demonstrate that there is no practical site design to meet this requirement, or subject to exceptions for properties subject to Chapter 18.52 KMC, Downtown Design Standards. A 25 percent reduction of required parking is allowed if a *mixed use development* meets the criteria of KMC 18.40.040 for shared parking. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.140

Mobile home parks – Standards for existing parks.

A. *Mobile home parks* established prior to the effective date of this code shall continue to be governed by all standards relating to density, *setbacks*, *landscaping* and off-street parking in effect at the time they were approved.

B. Placement of new accessory *structures* and replacement *mobile homes* in these *mobile home parks* shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement *mobile homes* are proposed to be installed adjacent to each other under the flexible *setback* option set forth in KMC 18.50.160. Where internal *setbacks* are not specified, the average of the prevailing *setbacks* on the pads to either side of the proposed new or replacement *structure* shall apply.

C. No spaces or pads in an existing *mobile home park* shall be used to accommodate *recreational vehicles (RVs)*, except when the spaces or pads were specifically for RVs at the time the park was established.

D. An existing *mobile home park* may be enlarged, provided the proposed enlargement meets the standards set forth in KMC 18.50.150 and 18.50.160.

E. Both insignia and noninsignia *mobile homes* may be installed in established parks; provided, that all *mobile homes* supported by piers shall be fully skirted, and that nonstandard *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.150

Mobile home parks – Standards for new parks.

New *mobile home parks* shall be developed subject to the following standards:

A. A *mobile home park* shall be at least three acres in area;

B. Residential densities in a *mobile home park* shall be as follows:

1. Six dwellings per acre in R-4 zone;

2. The base density of the zone in which the park is located in all R-6 through R-48 zones; and

3. *Mobile home parks* shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for *mobile home parks* set forth in Chapter 18.80 KMC;

C. Both insignia and noninsignia *mobile homes* may be installed in *mobile home parks*; provided, that noninsignia *mobile homes* shall meet the minimum livability and safety requirements set forth in KMC Title 15;

D. A *mobile home park* shall be exempt from *impervious surface* limits set forth in the zoning standards;

E. At least one of the off-street *parking spaces* required for each *mobile home* shall be located on or adjacent to each mobile home pad;

F. Internal roads and sidewalks shall provide access to each mobile home space and shall be constructed in accordance with the *City street* standards for residential minor access *streets*;

G. There shall be a minimum of 10 feet of separation maintained between all *mobile homes* on the *site*, unless the flexible *setback* option set forth in KMC 18.50.160 is used. Accessory *structures* shall be located no closer than:

1. Ten feet to *mobile homes* on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum *setback* shall be five feet;

2. Five feet to accessory *structures* of *mobile homes* on adjacent spaces; and

3. Five feet to the *mobile home* or other accessory *structures* on the same space, except a carport or garage may be attached to the *mobile home*, and the separation may be waived when such *structures* are constructed of noncombustible materials;

H. All *mobile homes* and RVs supported by piers shall be fully skirted; and

I. A *mobile home park* may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hookups and no RV within the storage area shall be used as living quarters. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.160

Mobile home parks – Alternative design standards.

As an alternative to the *building* separation and internal *street* standards of KMC 18.50.150:

A. *Building* separation requirements or *setbacks* between *mobile homes* and accessory *structures* on adjacent spaces may be modified, provided:

1. The common walls meet the fire protection standards set forth in the International Building Code and the standards set forth in the International Fire Code for duplexes, multifamily and condominium *developments*, as applicable; and

2. Rental agreement clauses, by-laws or other legal mechanisms stipulate maintenance responsibilities for *structures*, *fences* and yards;

B. *Private streets* may be used with a minimum driving surface of 22 feet in width, provided:

1. The *streets* comply in all other respects with the *street* standards;

2. All required parking is located off-street and as specified in KMC 18.50.150(E); and

3. Such *streets* shall not:

a. Directly connect two or more points of vehicular access to the park; or

b. Serve over 100 *dwelling units* within the park. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.180

Re-use of facilities – Purpose.

The purposes of KMC 18.50.200 through 18.50.220 are to:

A. Encourage the adaptive re-use of existing public facilities which will continue to serve the community, and ensure public review of redevelopment plans, by allowing:

1. Temporary re-use of closed public school facilities retained in *school district* ownership, and the reconversion of a temporary re-use back to a school *use*;

2. Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in *school district* or *public agency* ownership; or

3. Permanent re-use of historic *structures* listed on the National Register or designated as *City* landmarks. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.200

Re-use of facilities – General standards.

The interim or permanent re-use of surplus nonresidential facilities in residential zoned areas shall require that no more than 50 percent of the original floor area be demolished for either permanent or interim re-use of facilities. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.210

Re-use of facilities – Re-establishment of closed public school facilities.

The re-establishment or reconversion of an interim nonschool use of school facilities back to school uses shall require a site plan and the issuance of a change of use permit pursuant to KMC Title 15. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.220

Re-use of facilities – Standards for conversion of historic buildings.

In order to ensure that significant features of the property are protected pursuant to Chapter 2.20 KMC, the following standards shall apply to conversion of historic buildings:

A. Gross floor area of *building* additions or new *buildings* required for the conversion shall not exceed 20 percent of the gross floor area of the historic *building*, unless allowed by the zone;

B. Conversions to *apartments* shall not exceed one *dwelling unit* for each 3,600 square feet of lot area, unless allowed by the zone; and

C. Any construction required for the conversion shall require certification of appropriateness from the City landmark commission. [Ord. 11-0329 § 3 (Exh. 1).]

18.50.230

Hazardous liquid and gas transmission pipelines.

A. Tracts and easements containing *hazardous liquid and gas transmission pipelines* and required *setbacks* from such pipelines may include the following *uses*, subject to other regulations applicable to each *use* and approval of the holder of the easement: utility *structures* not normally occupied necessary for the operation of the pipeline, landscaping, *trails*, *open space*, keeping of animals, agriculture, forestry, commercial signage, *minor communication facilities* and the utility *structures* not normally occupied necessary for the operation of the *minor communication facility*, and other compatible *uses* as specified on the face of the recorded plat or short plat; provided, that *structures* designed for human occupancy shall never be allowed within pipeline tracts, easements or *setbacks*.

B. *Hazardous liquid and gas transmission pipelines* shall not be located in aquifer recharge areas, *landslide hazard areas* or *erosion hazard areas*. When it is impractical to avoid such areas, special engineering precautions should be taken to protect public health, safety and welfare. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.52

DOWNTOWN DESIGN STANDARDS (Does not include entire chapter)

Sections:

Article I. Introduction and Applicability

- 18.52.010 Purpose and intent.
- 18.52.020 Pedestrian-oriented streets and uses.
- 18.52.030 Scale of downtown development.
- 18.52.040 Example images included in standards.
- 18.52.050 Recommended guiding principles – General.
- 18.52.060 Additional principles – Northwest Quadrant.
- 18.52.070 Applicability.
- 18.52.075 Design review process.

Article II. Site Design – Standards for All Uses

- 18.52.100 Pedestrian walkways.
- 18.52.110 Northwest Quadrant circulation plan.
- 18.52.120 Public spaces and plazas.
- 18.52.130 Furnishings.
- 18.52.140 Site lighting.
- 18.52.150 Building location/setbacks (for commercial/mixed use buildings).
- 18.52.160 Building setbacks (for residential/primarily residential uses).
- 18.52.170 Surface parking lot location.
- 18.52.180 Parking lot screening.
- 18.52.190 Location of driveways.
- 18.52.200 Outdoor service and storage areas.

Article III. Building Design – Standards for All Uses

- 18.52.210 Corner features.
- 18.52.220 Roof form.
- 18.52.230 Structured parking.
- 18.52.240 Blank wall and side wall screening.
- 18.52.250 Pedestrian bridges.

Article IV. Building Design – Standards for Commercial/Mixed Use Buildings

- 18.52.260 Visible building entrances.
- 18.52.270 Ground floor facades.
- 18.52.280 Ground floor transparency and visibility.
- 18.52.290 Weather protection.
- 18.52.300 Building materials.
- 18.52.310 Upper level setbacks, mass, and bulk.

Article V. Building Design – Standards for Residential/Primarily Residential Uses

- 18.52.320 Primary residential entrances.

- 18.52.330 Building mass and bulk.
- 18.52.340 Materials.
- 18.52.350 Windows.

Article I. Introduction and Applicability

18.52.010

Purpose and intent.

The Kenmore downtown design standards are intended to implement the *City's* comprehensive plan and vision for the creation of "...a community with an attractive, vital, pedestrian-oriented *City* center offering commercial, civic, cultural and *park* spaces, integrated with higher density housing..." and "...a community with clear design standards creating attractive, functional, and enduring *buildings* and places...."

The purpose of the downtown design standards is to create a pedestrian-oriented downtown by identifying appropriate *site* and development standards for new *development*.

The Kenmore design standards are structured in the following manner. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.020

Pedestrian-oriented streets and uses.

The highest priority is to provide as much guidance to those elements that affect the development pattern and pedestrian orientation: *building* orientation and location on-*site*, relationship to the *street*, and circulation. Standards relating to these topics are more specific and relate to:

- A. A sidewalk environment which is lively, attractive, comfortable, and safe;
- B. Rich visual detail in the built environment which tells the user how *buildings* and places are used;
- C. Visual predominance of *buildings*, walkways, and landscape, less prominent *signs*, and parking lots and *structures* which are generally concealed from view. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.030

Scale of downtown development.

Standards relating to the character of *development* are structured to provide greater flexibility in *development* and *building* design. They provide a palette of options to consider during the design process and address:

- A. *Ground floors* of *buildings*;
 - B. *Buildings* of several stories which create continuity along the streetscape and walkways;
 - C. Detail in *building* mass and form which creates human scale with the parts of larger *buildings*.
- [Ord. 11-0329 § 3 (Exh. 1).]

18.52.040

Example images included in standards.*

The photographs in this document are included to visually depict the type of *site* or *building* design considerations that could meet the intent of the Kenmore design standards. The images are examples only and are not intended to be interpreted as the only design approach possible.

These photographs correspond to the intent of the visioning process and visual preference survey conducted during the comprehensive plan process and independent research efforts by the planning commission conducted in May 2002. [Ord. 11-0329 § 3 (Exh. 1).]

*Code reviser's note: Exhibit A to Ordinance 03-0176 contains the photographs for the Kenmore downtown design standards. A copy for public review and examination is on file and available in the office of the *city* clerk.

18.52.050

Recommended guiding principles – General.

- A. Plan for and implement an attractive, vital, pedestrian-oriented, transit friendly *City center* offering commercial, civic, cultural and *park* spaces, integrated with higher density housing.
- B. Address the different characteristics of downtown by encouraging regional serving *development* south of SR-522 and local serving *development* north of SR-522.
- C. Support redevelopment in accordance with the vision for the downtown through investment in public infrastructure including transportation, utility, and civic infrastructure.
- D. Give priority to creating indoor and outdoor *public spaces*, promote community activities meeting the needs of a range of ages and interests. Outdoor spaces should include *plazas*, *parks*, and public green spaces. Encourage the efficient use of space and shared uses where appropriate.
- E. Give priority consideration to strong linkages between the four downtown quadrants and the surrounding neighborhoods. Pedestrian crossings, including a bridge(s), over SR-522, linking the north and south quadrants, should be readily accessible, functional, visually attractive, safe, and inviting links to key destinations, and should provide a Kenmore identity.
- F. Create a downtown circulation system that promotes mobility for all modes of travel, emphasizing a loop road circulation system.
- G. Create an interconnected system of *trails*, sidewalks, bikeways, and open spaces in downtown.
- H. Promote the revitalization and expansion of business and retail compatible with the character of the downtown districts. Encourage businesses that draw patrons during both the day and evening. Provide an adequate mix of on-street, surface and structured parking, and encourage shared parking options.
- I. Provide high density, high amenity (includes *public spaces* and *private* facilities) pedestrian-oriented residential neighborhoods meeting the housing needs of a variety of income levels, and developed at densities high enough to support transit and commercial *uses*. Off-street parking should be encouraged.
- J. Coordinate public and *private* investment to achieve optimal leverage of public funds.
- K. Create an identity for the downtown and SR-522 by giving priority consideration to improving the appearance of the physical environment through design guidelines, sidewalks, landscaping, *street trees*, public art and signage.
- L. The downtown should acknowledge and create a beneficial and symbiotic relationship with SR-522.
- M. Integrate and manage downtown *development* to support sound ecological principles by responding to natural landforms, providing stormwater management, improving water quality, and retaining and adding green spaces.
- N. Identify downtown view corridors of significant off-site features (i.e., Lake Washington, Cascades, and surrounding hillsides), giving priority consideration to provision of public physical and visual access from the downtown quadrants to the waterfront. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.060

Additional principles – Northwest Quadrant.

- A. Locate the Civic Center facility (including City Hall, a community center and library) in the Northwest Quadrant to provide the greatest stimulus to redevelopment. If there is a truly unique opportunity in another quadrant of the downtown that would meet the balance of the Civic Center criteria, it should not be ruled out.
- B. Locate a multi-modal transportation facility in the Northwest Quadrant linked with other public facilities and spaces, functioning as a key node within a larger regional system.
- C. Locate the Civic Center facility at a highly visible and/or accessible location, if possible taking advantage of view corridors to Lake Washington. The facility should provide long-term expansion

potential and opportunities for *private* use of *public space*. Additional potential civic *uses* should be considered. The facility should be prominent, distinguishable and visually attractive.

D. A large, functional, open, outdoor space should be created to function as a focal point and “public square,” providing opportunities for public and *private* gatherings.

E. Give priority consideration to public purchase of parcels in the Northwest Quadrant where desired *private* investment is least likely to occur. Public investment may include purchase, long-term lease or other owner/tenant options. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.070

Applicability.

A. Design standards shall apply as depicted in Figure 18.52.070.A.

B. The components of the design standards shall apply as follows: (X = design component required under the specified standard)

Design Standard		STANDARD 1	STANDARD 2	STANDARD 3
Article II. Site Design – Standards for All Uses				
18.52.100	<i>Pedestrian walkways</i>	X	X	X
18.52.110	Northwest Quadrant circulation plan	X ¹		
18.52.120	<i>Public spaces</i> and plazas	X		X
18.52.130	Furnishings	X		X
18.52.140	<i>Site</i> lighting	X	X	X
18.52.150	<i>Building location/setbacks</i> (for commercial/mixed use <i>buildings</i>)	X	X	X
18.52.160	<i>Building setbacks</i> (for residential/primarily residential <i>uses</i>)	X		X
18.52.170	Surface parking lot location	X	X	X
18.52.180	Parking lot screening	X	X	X
18.52.190	Location of driveways	X	X	X
18.52.200	Outdoor service and storage areas	X	X	X
Article III. <i>Building</i> Design – Standards for All Uses				
18.52.210	Corner features	X	X	X
18.52.220	Roof form	X	X	X
18.52.230	Structured parking	X	X	X
18.52.240	<i>Blank wall</i> and side wall screening	X	X ²	X
18.52.250	Pedestrian bridges	X	X	
Article IV. <i>Building</i> Design – Standards for Commercial/Mixed Use <i>Buildings</i>				
18.52.260	Visible building entrances	X	X	X

Design Standard		STANDARD 1	DOWNTOWN STANDARDS 2	DOWNTOWN STANDARDS 3
18.52.270	Ground floor facades	X		X
18.52.280	Ground floor transparency and visibility	X		X
18.52.290	Weather protection	X		
18.52.300	Building materials	X	X	X
18.52.310	Upper level stepbacks, mass, and bulk	X	X	X
Article V. <i>Building Design – Standards for Residential/Primarily Residential Uses</i>				
18.52.320	Primary residential entrances	X	X	X
18.52.330	Building mass and bulk	X	X	X
18.52.340	Materials	X	X	X
18.52.350	Windows	X	X	X

¹ Applicable to the portion of the downtown identified in the Northwest Quadrant Circulation Plan.

² KMC 18.52.240(B)(1), (B)(3) and (C) only.

C. In the event of conflict between the downtown design standards and any other applicable code, the *city manager* shall determine the appropriate application of the conflicting codes, recognizing the need to protect public health, safety, and welfare, any specific interpretation criteria, as well as furtherance of the intent of the comprehensive plan and these downtown design standards.

D. The following categories of improvements shall comply with applicable design standards:

1. New construction;
2. Exterior remodels of existing *structures*;
3. Parking reconfigurations;
4. *Building* expansions.

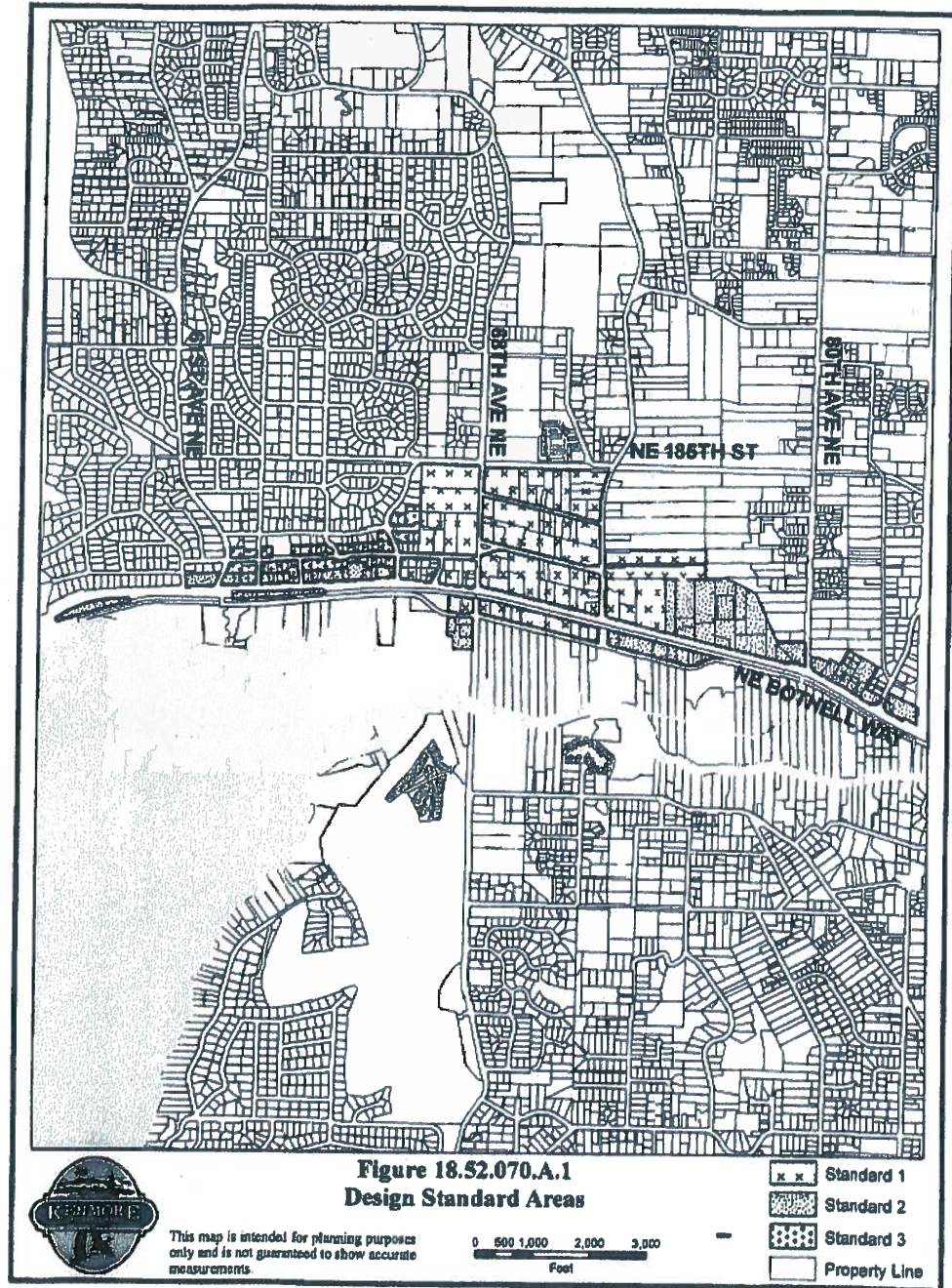
E. The following categories of improvements are exempt from applicable design standards:

1. Re-roofing that does not modify the roof structure;
2. Repainting;
3. Interior remodels;
4. Mechanical equipment replacement;
5. Parking lot pavement patching, or stall repainting that does not involve reconfiguration;
6. Normal maintenance or minor repair;
7. Any activity in which the total cost or fair market value (whichever is higher) of labor and materials combined does not exceed \$15,000; provided, that the improvement does not involve priority standards listed in subsection F of this section. This cost/fair market value figure shall be adjusted upward by five percent annually to address a cost of living increase; provided, that within a three-year period, if the total \$15,000 amount is exceeded, future improvements shall be subject to applicable design standards.

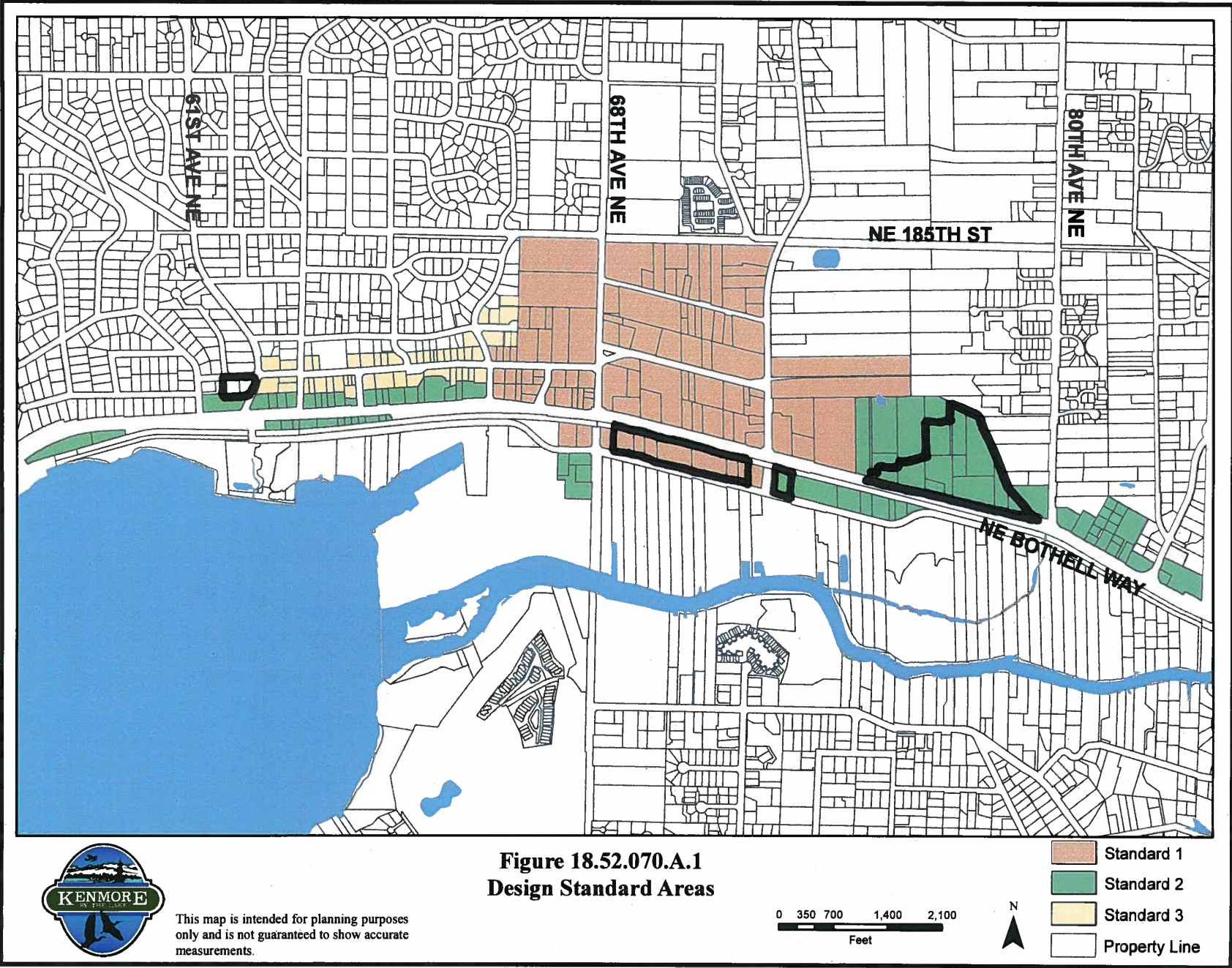
F. The degree to which each standard applies to a redevelopment project shall be evaluated on a case-by-case basis in an effort to achieve an overall design which meets the purpose and intent of the downtown design standards. In determining the degree of applicability, the *city manager* shall

give priority to design standards which address *building* placement, parking standards, window/door treatments, and *first floor facades*.

G. For proposed existing *structure* exterior remodels, or existing *structure* expansions, parking reconfigurations, or other activities subject to design standards that are less than new construction, the *city manager* shall determine the extent of compliance with the design standards as appropriate to recognize current conditions and further the intent of the downtown design standards. The required design or development standards shall be related to the improvement proposed. For example, if a parking reconfiguration is proposed, the required design standards should address *pedestrian walkways* between parking lots and building entrances or parking lot screening; or if a building entrance is modified, visible building entrance requirements should be applied.



(See revised map)



18.52.180

Parking lot screening.

A. Intent.

1. Reduce Visual Prominence. To reduce visual impact of parking lots through screening techniques.

B. Standards – Required.

1. Perimeter Screening. Where surface parking lots are adjacent to a public right-of-way, the parking lot shall provide a minimum 10-foot-wide planting strip between the parking lot and right(s)-of-way. Landscape requirements in Chapter 18.35 KMC also apply.

2. Screening Techniques. Year-round perimeter screening shall provide a visually impervious screen utilizing one or more of the following screening techniques:

a. Screen Walls. Low walls, opaque hedge walls, etc., shall be a minimum of three feet in height and maximum of four feet in height. Where screen walls are used, the 10-foot-wide planting strip requirement may be reduced by two feet.

b. Screen Wall Transparency. For screen walls taller than four feet in height, all elements above four feet shall be made of semitransparent materials, i.e., lattice walls, trellises, etc. Those portions of the screen wall taller than four feet in height shall be a minimum of 85 percent transparency (i.e., see-through railing, trellis, or similar treatment).

c. *Evergreen* Shrubs. Shrubs shall be maintained at a maximum four feet in height from the sidewalk to maintain visibility into the *site* for security/safety purposes. At planting, shrubs shall be a minimum two-gallon pot size or balled and burlapped equivalent.

d. *Trees*. A mixture of *evergreen* and *deciduous trees* and shrubs. At planting, *deciduous trees* shall be a minimum three-inch *caliper*. *Evergreen trees* shall be a minimum of six-foot height to the uppermost branching point at planting.

e. Wood *Fences*. If a wood *fence* is used, the *fence* shall have decorative detailing at the top (i.e., trellis materials) and an eight-foot-wide planting strip. The requirements of subsection (B)(2)(b) of this section are also applicable.

3. Supporting Ground Cover. *Evergreen* ground cover, other than grass, shall be used in addition to the screening techniques identified above. A maximum of 45 percent of all ground cover required shall be dedicated to grass.

C. Not Allowed.

1. Plain *Fence*. Unadorned wood *fences* or chain link fencing is not allowed. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.200

Outdoor service and storage areas.

A. Intent.

1. Screening. To maintain design continuity by screening mechanical, service, and storage areas.

B. Standards – Required.

1. Siting of On-Site Storage Areas. All outdoor service and storage areas such as mechanical equipment, *outdoor storage*, trash/recycling containers, satellite dishes, accessory telecommunications devices, etc., shall be fully screened and shall not be visible from adjacent public *streets* or from views above from adjacent *buildings*. The Kenmore development standards and design requirements of KMC 18.30.250 also apply.

2. At-Grade Service Areas. At-grade storage areas such as *outdoor storage* and/or trash/recycling containers shall be screened from adjacent *streets* and public rights-of-way and from views above from adjacent *buildings*. Pedestrian-oriented trash receptacles along walkways and in *public spaces* are excepted from this requirement.

3. Screening Techniques. Service area screening shall be 100 percent sight-obscuring, year-round, utilizing one or more of the following screening techniques:

a. *Fences and Walls*. Fencing and wall materials shall be integrated and compatible with the design of the *building* (i.e., use the *building's* materials on *fence* columns);

b. *Adjacent to Pedestrian Walkways*. Where an *outdoor storage* area is adjacent to a *pedestrian walkway*, *fences* installed for screening may be used only in combination with either landscaping, vines, trellis, or similar landscaping screening technique;

c. *Evergreen Hedges and Shrubs*. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*;

d. *Trees*. A mixture of *evergreen* and *deciduous trees*. *Landscaping* shall meet the *City's landscaping* requirements for Type I *landscaping*.

4. Mechanical Equipment. Locate mechanical equipment early in the design process to ensure integration with the *building* design. Roof-mounted mechanical equipment shall be grouped together, integrated into the *building* design, and thoroughly screened from view from the street level and above from adjacent *buildings*. Roof-mounted screening techniques include but are not limited to:

a. *Roof Treatment*. Roofline designed to screen visibility of mechanical equipment from an adjacent public *street(s)*;

b. *Paint*. Paint mechanical equipment to match or approximate the color of the roof;

c. *Setbacks*. Position mechanical equipment away from *building* edges. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.230

Structured parking.

A. Intent.

1. *Visually Integrated*. To visually integrate parking garages with other downtown *uses* through active *ground floor uses*, and the use of architectural treatments, such as materials, treatments of openings, and *human-scaled facade elements*.

2. *Garage Elevations*. To ensure that parking garage facades facing public rights-of-way screen cars from view and resemble commercial, office, civic, and mixed use building elevations.

B. Standards – Required.

1. *Retail Frontage Along Streets*. Parking structures shall provide retail usages for at least 50 percent of the first floor *street frontages (sites* fronting 182nd excepted).

2. *Treatments in Nonretail Areas*. Portions of ground level facade not occupied by retail *uses* shall integrate one or more of the following into the ground level facade:

a. Ornamental grillwork (other than plain horizontal or vertical bars);

b. Decorative artwork (metal panels, ceramic, mosaics, etc.);

c. Display windows for events;

d. Brick, tile, or stone;

e. Pre-cast panels;

f. Wood paneling;

g. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240;

h. Other treatments which meet the intent of these standards.

3. *Opening Size*. The maximum size of window and facade openings shall be 64 square feet (excluding driveway/parking garage entry). The window/facade openings shall be treated further with minimum 24-inch mullions to prevent large openings in the parking garage facade.

4. *Treatments in Primarily Residential Areas*. Ground level facade treatments for residential parking garages shall integrate one or more of the following:

a. Ornamental grillwork (other than plain horizontal or vertical bars);

- b. Decorative artwork (metal panels, ceramic, mosaics, etc.);
 - c. Brick, tile, or stone;
 - d. Pre-cast panels;
 - e. Wood paneling;
 - f. *Blank wall* treatments per the *blank wall* standards, KMC 18.52.240.
5. *Facade Articulation*. At least two of the following elements shall be incorporated into parking garage facades to articulate the facade and provide *human-scaled architectural elements*:
- a. Piers or pilasters;
 - b. Recessed window openings;
 - c. Window sills and details;
 - d. Masonry trim;
 - e. Accent materials;
 - f. Tile, stone, or pre-cast panels;
 - g. Other treatments which provide facade *articulation*.
6. *Architectural Elements* in Vehicular Entrances. Vehicular entrances to structured parking shall incorporate two of the following elements into the design:
- a. Arches;
 - b. Lintels;
 - c. Piers or pilasters;
 - d. Masonry trim;
 - e. Planters;
 - f. Ornamental lighting;
 - g. Tile, stone, or pre-cast panels.
7. *Townhouse* Units. Each unit shall have an individual garage, enclosed under the living spaces. Such garage shall be located on a different facade from the main entry of the unit.
- C. Not Allowed.
- 1. Plain Concrete Facades. Plain, unadorned, or smooth concrete facades are not allowed.
 - 2. Horizontal or Vertical Bars. Unadorned horizontal or vertical bars are not allowed in parking garage window openings. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.240

Blank wall and side wall screening.

- A. Intent.
 - 1. Continuity of Visual Interest. To ensure that all sides of a *building* in the *public view* have visual interest and continuity of pedestrian-oriented building scale.
- B. Standards – Required.
 - 1. Architectural Treatments for Visible *Building* Sides. All sides of *buildings* visible from a public right-of-way shall be treated with two or more of the following elements:
 - a. Visible rooflines (i.e., cornices, extended parapets, pitched/sloped roofs, decorative molding, etc.);
 - b. Windows;
 - c. Secondary entrances;
 - d. Balconies;
 - e. Awnings;
 - f. Oversized window treatments;
 - g. Other architectural details which meet the intent of this standard.
 - 2. Detailed Walls Required. *Ground floor* walls (including *retaining walls*) within *public view* shall have architectural detail such as windows, doors, reveals, and other architectural features as described in the *building design* section of these standards. A wall is considered a *blank wall* if:

a. A *ground floor* wall or portion of a *ground floor* wall over six feet in height that has a horizontal length greater than 15 feet and does not include architectural detailing; or

b. Any portion of a *ground floor* wall having a surface area of 400 square feet or greater.

3. *Blank Wall Screening*. Where a *blank wall* within the *public view* is unavoidable due to International Building Code regulations (such as where a side *building* wall abuts a property line), *blank walls* shall be treated with two or more of the following:

a. *Vegetation*, including *trees*, shrubs, *evergreen* ground cover (in conjunction with other landscaping) or vines adjacent to the *blank wall* surface;

b. Trellis vine panels;

c. Architectural detailing such as reveals, contrasting materials, or other special detailing which meets the intent of this standard.

Due to the many potential site-specific conditions which could occur, blank/side wall treatment shall be subject to the *city manager's* discretion and approval.

C. Not Allowed.

1. Murals. Murals shall not be permitted pending the completion of *City* standards addressing appropriate allowances, criteria, and locations. [Ord. 11-0329 § 3 (Exh. 1).]

18.52.310

Upper level stepbacks, mass, and bulk.

A. Intent.

1. Develop Pedestrian Scale. To ensure that multiple-storied *building facades* do not overwhelm the pedestrian orientation and scale of downtown.

B. Standards – Required. A minimum of two of the following techniques shall be applied to facades visible from public rights-of-way and *public spaces* to minimize the apparent bulk and mass of a *building*:

1. Step Back *Buildings* Over Two Stories. *Buildings* above two stories in height shall step back the upper stories as follows:

a. Stepbacks above two stories shall be a minimum of six feet from the first two floors;

b. A second, minimum six-foot stepback shall be made above four stories;

c. Evident Decrease in Bulk. Stepbacks need not be continuous and uniform across the entire facade as long as bulk is visually decreased.

2. Horizontal *Building Modulation*. Use bays, recesses, and building projections to provide variations in large facades.

a. The maximum horizontal length without *building modulation* shall be 100 feet.

b. *Modulation Depth*. The minimum *modulation* depth shall be six feet.

3. Modulated Roofline. Provide breaks in the roofline by alternating stepped roofs, gables, dormers, etc. (see roof form standards, KMC 18.52.220).

4. *Articulation*. *Building articulation* with at least one of the following *architectural elements*:

a. Change in materials or color with a change in *building plane*;

b. Decks and Balconies. Decks, terraces, and balconies are encouraged but not required, and may be roofed or open;

c. Bay windows;

d. Repeat distinctive window patterns at horizontal *modulation* intervals.

5. Other Treatments. Other architectural treatments which meet the intent of this standard.

C. Exceptions.

1. Stairs, Corner Features, and Other Architectural Features. Stairs, corners, and other vertical architectural features are not required to step back. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.60

COMMUNICATION FACILITIES

Sections:

- 18.60.010 Purpose.
- 18.60.020 Applicability.
- 18.60.030 Exemptions.
- 18.60.050 Minor communication facilities – Review process.
- 18.60.060 Minor communication facilities – Location within street, utility and railroad rights-of-way.
- 18.60.070 Minor communication facilities – Public parks, open spaces and other property owned by the City.
- 18.60.080 Minor communication facilities – Pre-application community meetings.
- 18.60.090 Application requirements for new transmission support structures.
- 18.60.100 Application requirements for new antennas on all existing support structures.
- 18.60.110 Modifications to all communication facilities.
- 18.60.120 Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.
- 18.60.130 Minor communication facilities – Collocation.
- 18.60.140 Consolidation.
- 18.60.150 Notification requirements.
- 18.60.160 Setback requirements.
- 18.60.170 Color and lighting standards.
- 18.60.180 Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.
- 18.60.190 Minor communication facilities – Visual compatibility standards.
- 18.60.200 Minor communication facilities – Additional standards to reduce degree of visual impact.
- 18.60.210 Minor communication facilities – Antenna development standards.
- 18.60.220 NIER exposure standards.
- 18.60.230 Fencing and NIER warning signs.
- 18.60.240 Shock and burn standard.
- 18.60.250 Landscaping requirements.
- 18.60.260 Testing of wireless telecommunications facilities required – Radio frequency radiation.
- 18.60.270 Interference.
- 18.60.280 NIER enforcement.
- 18.60.290 Minor communication facilities – Time limits and establishment period.
- 18.60.300 Minor communication facilities – Cessation of use.
- 18.60.310 Minor communication facilities – Criteria for determining technical feasibility.
- 18.60.320 Third party review.

18.60.010

Purpose.

The purpose of this chapter is to establish guidelines for the siting of *transmission support structures and antennas*. The goals of this chapter are to:

- A. Provide for the appropriate location and *development* of wireless telecommunications facilities in locations that promote the public safety and general welfare;
- B. Encourage the location of *transmission support structures* in nonresidential areas and minimize the total number of *transmission support structures* throughout the community;

- C. Strongly encourage the joint use of new and existing *transmission support structure sites*;
- D. Promote telecommunications facility safety through proper engineering and siting;
- E. Accommodate in reasonable time requests for wireless telecommunications facility *development*;
- F. Support all decisions made regarding siting of wireless telecommunications facilities with substantial evidence contained in a written record;
- G. Encourage users of *transmission support structures* and *antennas* to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- H. Encourage users of *transmission support structures* and *antennas* to configure them in a way that minimizes the adverse visual impact of the *transmission support structures* and *antennas*;
- I. Enhance the ability of the providers of wireless telecommunications services to provide such services to the community quickly, effectively and efficiently; and
- J. Ensure compliance with Federal Communications Commission rules and applicable law regarding *nonionizing electromagnetic radiation (NIER)*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.020

Applicability.

The standards and process requirements of this chapter supersede all other review process, *setback* or *landscaping* requirements of this title. All *communication facilities* which are not exempt pursuant to KMC 18.60.030 shall comply with the provisions of this chapter as follows:

- A. New *communication facilities*, with the exception of *consolidations*, shall comply with the provisions of KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170 and 18.60.220 through 18.60.280; new *minor communication facilities* shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;
- B. Modified *communication facilities*, with the exception of *consolidations*, shall comply with standards as provided in KMC 18.60.030, 18.60.140 through 18.60.170, and 18.60.220 and 18.60.280; *modifications* to *minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply;
- C. *Consolidations* shall comply with standards as provided in KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.280; *consolidations* to *minor communication facilities* shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.030

Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (*FCC*);
- B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;
- C. The storage, shipment or display for sale of *transmission equipment*;
- D. Radar systems for military and civilian communication and navigation;
- E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;
- F. Two-way radio utilized for temporary or *emergency* services communications;
- G. Licensed amateur (ham) radio stations and citizen band stations;
- H. *Earth station* downlink using satellite dish *antennas* with a diameter of less than two meters or 6.6 feet; provided, that stations in excess of one dish *antenna* are subject to *conditional use permits*;
- I. Any *antenna* which is treated as exempt under 47 Code of Federal Regulations (CFR) Section 1.4000(a)(1), as it may be amended from time to time;

J. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming *communication facility, transmission equipment, transmission support structure or transmitter building*; provided, that the *transmission equipment* does not result in noncompliance with KMC 18.60.220 and 18.60.240;

K. In the event a building permit is required for any *emergency* maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such *emergency* activities. In the event a building permit is required for non-emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such non-emergency activities;

L. Change-out of equipment that is located on the ground, on an existing *transmission support structure* or on an *alternative transmission support structure* that is replaced in the same location and is the same size or smaller. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.050

Minor communication facilities – Review process.

Minor communication facilities shall be reviewed as follows:

Minor Communication Facilities – Review Process

Zone District(s)	Antenna	Transmission Support Structure
UC, WC, RB, NB, DC	P	C
R-1 – R-6, P	P ² , C	C ³ , S
R-12 – R-48, DR	P	C ³ , S

P – Permitted Use – reviewed through Type 2 process outlined in KMC 19.25.020.

C – Conditional Use – reviewed through Type 2 process outlined in KMC 19.25.020.

S – Special Use – reviewed through Type 3 process outlined in KMC 19.25.020.

¹ Reserved.

² Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522; or located on an *alternative transmission support structure* or *transmission support structure* with existing telecommunication facilities per KMC 18.60.270.

³ Only if the proposal is for a location which is in improved right-of-way or located on a parcel abutting 61st Avenue NE, Simonds Rd NE, Juanita Drive, NE 170th Street or State Route 522.

[Ord. 11-0329 § 3 (Exh. 1).]

18.60.060**Minor communication facilities – Location within street, utility and railroad rights-of-way.**

A. The mounting of *antennas* upon existing *structures*, such as power poles, located within publicly or privately maintained *street*, utility and railroad rights-of-way is permitted. The process by which these facilities are approved is outlined in KMC 18.60.050, by first determining the most restrictive zone that abuts the right-of-way. However, this authorization shall not be construed as granting a right to use any property without the permission of the property owner. If an existing *structure* within a *street*, utility, or railroad right-of-way cannot accommodate an *antenna* due to structural deficiency, the *structure* may be replaced with a new *structure* that will serve the original purpose. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter and will not exceed the height and *setback* requirements of KMC 18.60.180.

Exception: *Structures* that operate solely as light poles may be replaced; however, they are not to exceed the height of the existing *structure*. The replacement *structure* must also remain the same diameter of the existing *structure*, unless the *applicant* can provide information stating that it is infeasible to locate all transmission and power cables and any other conduit within the pole without increasing the diameter. Replacement *structures* must meet the criteria in KMC 18.60.170, 18.60.190 and 18.60.200. In addition, if poles were originally installed as a decorative light standard, then the pole must match the other existing poles within the *development* in color, form and any decorative elements.

B. *Minor communication facilities* within *street*, utility and railroad rights-of-way that propose the construction of a separate *structure* used solely for *antenna* shall be subject to the zoning provisions applicable to the property abutting the portion of right-of-way where the *structure* is proposed except that the *setbacks* specified in the zoning code shall not apply. *Setbacks* shall be those specified in the *street* design standards. In cases where the abutting property on either side of the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

C. The placement of *antennas* on existing or replacement *structures* within *street*, utility or railroad rights-of-way is the preferred alternative in residential neighborhoods and the feasibility of such placement shall be considered by the *City* whenever evaluating a proposal for a new *transmission support structure*, except for a new *structure* that is proposed to collocate *antennas* for two or more separate service providers. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.070**Minor communication facilities – Public parks, open spaces and other property owned by the City.**

Within public *parks* and open spaces owned by the *City*, the placement of *antennas* on existing *structures*, such as power poles, light poles for *streets* and parking lots, light standards for recreational fields and existing *transmission support structures*, is the preferred option. As property owner, the *City*, separate from any permitting issues related to the project, has complete control over the placement of a facility in a *park* or on any other *City*-owned property. If an existing *structure* within a *City*-owned *park* or open space cannot accommodate an *antenna* due to structural deficiency, or does not have the height required to provide adequate signal coverage, the *structure* may be replaced with a new *structure*; provided, that the new *structure* will serve the original purpose and not exceed the original height. Any height increase which exceeds the original height of the *structure* will require a new application for a use permit per KMC 18.60.050. The construction of a new freestanding tower within public *parks* and open spaces owned by the *City* shall be subject to the requirements of this chapter. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.080

Minor communication facilities – Pre-application community meetings.

When a new *transmission support structure* is proposed in any zone within the *City*, a community meeting shall be convened by the *applicant* prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided by the *applicant* as follows:

1. Published in the local paper and mailed to the *department* and to the *city council*; and
2. Mailed notice shall be provided to all property owners within 500 feet (or at least 20 of the nearest property owners, whichever is greater) as required by KMC 18.60.150 of any potential *sites*, identified by the *applicant* for possible *development*, to be discussed at the community meeting. The mailed notice shall at a minimum contain a brief description and purpose of the project, the estimated height, approximate location noted on an assessor map with address and parcel number, photo or sketch of proposed facility, a statement that alternative *sites* proposed by citizens can be presented at the meeting which will be considered by the *applicant*, a contact name and telephone number to obtain additional information, and such other information as the *City* shall reasonably deem necessary and require of the *applicant* in writing. Because the purpose of the community meeting is to promote early discussion, *applicants* are encouraged to note any changes to the conceptual information presented in the mailed notice when they submit applications.

B. At the community meeting, at which at least one employee of the *department*, assigned by the *city manager*, shall be in attendance, the *applicant* shall provide information relative to existing *transmission support structures* and other nonresidential *structures*, such as water towers and electrical transmission lines, within one-quarter mile of potential *sites*, and shall discuss reasons why those existing *structures* are unfeasible. Furthermore, any alternative *sites* within one-quarter mile, identified by community members and provided to the *applicant* in writing at least five days in advance of the meeting, shall be evaluated by the *applicant* to the extent possible given the timeframe, and discussed at the meeting. A listing of the *sites*, identified in writing and provided to the *applicant* at or before the community meetings, shall be submitted to the *department* with the proposed application. *Applicants* shall also provide a list of meeting attendees and those receiving mailed notice and a record of the published meeting notice at the time of application submittal. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.090

Application requirements for new transmission support structures.

A. In addition to any required site plan, a permit application for any *communication facility* shall also include:

1. A site plan which shows existing and proposed *transmission support structures*; guy wire anchors; warning *signs*; fencing and access restrictions;
2. A report by a registered professional civil or structural engineer demonstrating compliance with applicable structural standards in Chapter 15.25 KMC, and describing the general structural capacity of any proposed *transmission support structure(s)*, including:
 - a. The number and type of *antennas* that can be accommodated; and
 - b. The basis for the calculation of capacity;
3. A report by a registered professional engineer that includes the following:
 - a. A description of any proposed *transmission support structure(s)*, including height above grade, materials, color and lighting; and
 - b. Statement related to interference and exposure as required by KMC 18.60.220 and 18.60.270;
4. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*," which will be provided by the *City*.

B. In addition to any required site plan and the information listed in subsection A of this section, a permit application for any *major communication facility* or any *minor communication facility* which is subject to the *special use permit* procedure shall also include:

1. The name and address of the operator(s) of proposed and existing *antennas* on the *site*;
2. The height of any proposed *antennas*;
3. A statement from a registered professional electrical engineer accredited by the State of Washington who holds a federal communications general radio telephone operator license which includes:
 - a. The calculated *NIER* levels attributable to the proposed *antennas* at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (*NIER* levels) in areas that are expected to be unfenced on-site;
 - b. For a *major communication facility*, if there is another *major communication facility* within one mile of the *site* of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to application; and
 - c. For a *minor communication facility*, if there is an existing *major communication facility* within one-half mile of the *site* of the proposed facility, the level of *NIER* at the points identified in subsection (B)(3)(a) of this section as measured within 30 days prior to the application.

C. Each *applicant* for a building permit if required by Chapter 15.20 KMC for construction of a *minor communication facility* shall post cash, an irrevocable bond, or an irrevocable letter of credit. The amount required must be computed in the following manner: 20 percent of the cost of construction for the proposed facility; provided, that if the *applicant* can demonstrate that the cost of removal of those facilities is less than this amount, the *applicant* need only provide a bond in the amount of the cost of removal. This bond will remain in effect throughout the operation and use of the facility as security for removal of the *minor communication facility* or any part thereof. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.100

Application requirements for new antennas on all existing support structures.

A permit application for *antennas* to be located on any existing *structures* shall include:

- A. A site plan which shows the existing *transmission support structure* or *alternative transmission support structure*; guy wire anchors; warning *signs*; landscaping; fencing and access restrictions.
- B. A description of any proposed *transmission support structure* or *alternative transmission support structure*, including height above grade, materials, color and lighting.
- C. A letter from the owner of the *structure* for which the *antennas* are proposed to be located on, giving permission for the proposal to be processed.
- D. A report by a registered professional engineer that includes a statement relating to interference and exposure as required by KMC 18.60.220 and 18.60.270.
- E. A completed "Checklist to Determine Whether a Facility is *Categorically Excluded*," which will be provided by the *City*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.110

Modifications to all communication facilities.

A. Cumulative *modifications* of conforming or nonconforming *communication facilities*, *transmission support structures*, *alternative transmission support structures* or *transmission equipment* which do not increase the overall height of the *transmission support structure* or *transmission equipment* and which do not cause an increase in *effective radiated power* or *antenna* location shall be allowed provided:

1. A *nonconformance* with respect to the height of the *transmission support structure* or *alternative transmission support structure* shall not be created or increased;

2. Existing perimeter *vegetation* or landscaping shall not be reduced;
3. The *modification* results in compliance with KMC 18.60.220 and 18.60.240. The *applicant* shall provide the *City* a detailed certification of compliance with these provisions which has been prepared by a licensed professional engineer; and
4. For *minor communication facilities*, the allowances for increased height established by this chapter, including without limitation KMC 18.60.120, shall be complied with.

B. Except for *consolidations* allowed by KMC 18.60.140, *modifications* which increase the overall height of the *transmission support structure* or *transmission equipment* shall be subject to the following provisions:

1. Applications for such *transmission support structures* shall be reviewed pursuant to the applicable process specified in this chapter; and
2. Such *transmission support structures* shall comply with the provisions of KMC 18.60.030, 18.60.090, 18.60.100, 18.60.150, 18.60.170, and 18.60.220 through 18.60.270. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.120

Minor communication facilities – Modifications to transmission support structures and alternative transmission support structures.

A. *Modifications* to *transmission support structures* and *alternative transmission support structures* are permitted through the Type 2 process outlined in KMC 19.25.020 when the *modification(s)* is necessary to accommodate the actual collocation of the *antenna* of other service providers, or to accommodate the current provider's *antenna* required to utilize new technology, such as digital transmissions, and the *transmission support structure* including the proposed *modification* does not increase the height of the existing *transmission support structure* or modify any of the original conditions of approval.

B. *Modifications* to the height or conditions of approval of existing *transmission support structures* are permitted through the *transmission support structure* process outlined in KMC 18.60.050.

C. *Modifications* to the height or conditions of approval of existing *alternative transmission support structures* are permitted through the *antenna* process outlined in KMC 18.60.050.

D. *Modifications* to existing legal nonconforming *transmission support structures* and *alternative transmission support structures* shall be subject to the applicable procedure set forth in KMC 18.60.050 and may not increase the height of the *structure* more than what is permitted in KMC 18.60.180. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.130

Minor communication facilities – Collocation.

A. Upon application for a permit for a new *transmission support structure* or *antenna*, the *applicant* shall provide a map showing all existing *transmission support structures* or other suitable nonresidential *structures* located within one-quarter mile of the proposed *structure* with consideration given to engineering and structural requirements. No new *transmission support structure* shall be permitted if an existing *structure* suitable for attachment of an *antenna* or collocation is located within one-quarter mile, unless the *applicant* demonstrates that the existing *structure* or a new *structure* complying with KMC 18.60.120:

1. Would be physically or technologically unfeasible pursuant to KMC 18.60.310; or
2. Is not made available for sale or lease by the owner; or
3. Is not made available at a market rate cost; or
4. Would result in conflicts with Federal Aviation Administration height limitations; or
5. Cannot be collocated within an existing facility due to interference with a third carrier.

B. The burden of proof shall be on the *applicant* to show that a suitable existing, modified or replacement *structure* for mounting of *antenna* or collocation cannot be reasonably or economically used in accordance with these criteria.

C. Prior to the receipt of a building permit to construct a new *transmission support structure*, the *applicant* shall file a letter with the *department* agreeing to allow collocation on the *transmission support structure*. The agreement shall commit the *applicant* to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the *antennas* of other service providers on the *applicant's* proposed *transmission support structure* to the extent that such collocation is technically feasible for the affected parties.

D. All new or modified *transmission support structures* shall be constructed in a manner that would provide sufficient structural strength to allow the collocation of additional *antennas* from other service providers at the standard 10-foot separation.

E. Applications to collocate new *minor communications facilities* on existing *transmission support structures* and/or *alternative transmission support structures* with no increase in height shall comply with all applicable provisions of KMC Title 19 and be processed as a Type 2 permit. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.140

Consolidation.

Consolidation of two or more existing *transmission support structures* may be permitted subject to the following:

A. If the consolidated *transmission support structure* cannot meet the requirements of KMC 18.60.160, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties as determined by the *city manager*:

1. Topography and dimensions of the *site*;
2. (In the case of a *consolidation*) to any existing *structures* to be retained;
3. (In the case of a *guyed transmission support structure*) to guy anchor placement necessary to assure structural integrity of the consolidated transmission tower; and
4. Consolidated *transmission support structures* shall be set back from abutting residential property as required in KMC 18.60.180;

B. If a *consolidation* involves the removal of *transmission support structures* from two or more different *sites* and if a consolidated *transmission support structure* is to be erected on one of those *sites*, it shall be erected on the *site* which provides for the greatest compliance with the standards of this chapter;

C. All existing *transmission equipment* on the *site* of a *communication facility* which does not comply with the provisions of this chapter shall be relocated to the consolidated *transmission support structure* before the relocation of *transmission equipment* from a nonexempt off-site, conforming *communication facility* is permitted;

D. The *consolidation* shall not exceed *NIER* and electrical current level limits specified in KMC 18.60.220 and 18.60.240;

E. Any *transmission support structure* to be removed as part of a *consolidation* shall be removed within 12 months of relocation of the transmitting equipment;

F. *Consolidation* shall result in a net reduction in the number of *transmission support structures*; and

G. Consolidated facilities shall require a *conditional use permit*, unless a new *transmission support structure* in the same location would require a *special use permit*, in which case consolidated facilities shall require a *special use permit*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.150

Notification requirements.

An *applicant* shall comply with all requirements for notification of a permit application set out in KMC Title 19. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.160

Setback requirements.

Except as outlined for *modifications* and *consolidations* pursuant to KMC 18.60.110 and 18.60.120 or when *setbacks* are increased to ensure compliance with *NIER* exposure limits, communication facilities shall comply with the following *setbacks*:

A. *Transmission support structures*, for *major communication facilities* which do not exceed the height limit of the zone in which they are located, shall be set back from the property line as provided for *minor communications facilities* in KMC 18.60.180;

B. *Transmission support structures*, for *major communication facilities*, which exceed the height limit of the zone in which they are located, and which are located in zones other than NB, DC, DR, **UC, WC**, or RB, shall be set back from property lines as set forth in KMC 18.60.180;

C. *Transmission support structures* for *minor communication facilities* shall be set back from the property line as provided in KMC 18.60.180;

D. When two or more *communication facilities* share a common boundary, the *setback* from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining *sites* which limit *development* to *communication facilities*;
2. Of sufficient depth to provide the *setbacks* required in subsections A and B of this section;
3. Which provide for the *City* as a third party signatory to the agreement; and

4. *Transmitter buildings* shall be subject to the *setback* requirements of the zone in which they are located. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.170

Color and lighting standards.

Except as specifically required by the Federal Aviation Administration (*FAA*) or the Federal Communications Commission (*FCC*), *transmission support structures* and *alternative transmission support structures* and all equipment attached to such *structures* shall:

A. Use nonreflective colors such as gray, blue, brown or green which reduce their visual impacts; provided, wooden poles do not have to be painted.

B. If a replacement pole is proposed, then it must match the color of the original pole, unless the use of an alternate color would have less visual impact. For example, if *evergreen* trees surround an existing metal pole, then instead of replacing the pole with a metal or gray pole, the pole may be replaced with a dark green pole.

C. Not be illuminated, except *transmitter buildings* may use lighting for security reasons which is compatible with the surrounding neighborhood.

D. If a replacement *structure* is proposed, the replacement pole must meet the criteria listed in subsection A of this section. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.180

Minor communication facilities – Development standards for transmission support structures and alternative transmission support structures.

A new *transmission support structure* may not exceed the standards of this section.

Minor Communication Facilities – Development Standards

Zone District(s)	Maximum Height ² of Transmission Support Structure or Alternative Transmission Support Structure	Setbacks ¹ for New Transmission Support Structure
RB, WC, UC, DC	100 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any A or R-1 – R-48 zoned property, whichever provides the greater <i>setback</i> .
NB, R-1 – R-6, R-12 – R-48, DR	60 feet high	Either (a) 50 feet, or (b) a <i>setback</i> of one foot for every one foot in height from any R-1 – R-48 zoned property, whichever provides the greater <i>setback</i> .

¹ *Setbacks* may be modified to achieve additional screening; see KMC 18.60.190(C) or as provided in KMC 18.60.160.

² “Height” shall mean the vertical distance of any support structure as measured from the bottom of the base of the support structure ground level to the highest point of such support structure.

[Ord. 11-0329 § 3 (Exh. 1).]

18.60.190

Minor communication facilities – Visual compatibility standards.

With consideration to engineering and structural requirements, and the coverage patterns the provider is seeking to achieve, *minor communication facilities* shall be subject to the following visual compatibility standards in addition to KMC 18.60.170:

A. When located on *alternative transmission support structures* such as *buildings* or water towers, the placement of the *antenna* on the *structure* should reflect the following order of priority in order to minimize visual impact:

1. When located on a utility pole, *antennas* shall be either fully concealed within the utility pole or camouflaged to appear to be an integrated part of the utility pole. *Antennas* not flush-mounted on the side of the utility pole shall be centered on the top of the utility pole to which they are mounted and camouflaged or disguised.

2. A location as close as possible to the center of the *structure*;

3. Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the *department* on a case-by-case basis;

4. When located on the outer edge or side-mounted, be placed on the portion of the *structure* less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways; and

5. Transmission and power cables and any other conduit shall be contained within the support structure or *alternative transmission support structure* or located underground.

B. To the extent that there is no conflict with the color and lighting requirements of the Federal Aviation Administration for aircraft safety purposes, *transmission support structures* and *alternative transmission support structures* shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing *vegetation* or other *structures* to screen the

proposed *transmission support structure* from adjacent lands containing, in descending order of priority: existing residences, public *parks* and open spaces, and public roadways.

C. The *setback* provisions of KMC 18.60.180 may be waived by the *city manager* or the *hearing examiner* in order to achieve greater levels of screening than that which would be available by using the stated *setback*, during the course of the review process described in KMC 18.60.180. In waiving the requirement, the *department* or *hearing examiner* shall consider the protection of adjacent lands on the basis of the priorities stated in subsections A and B of this section. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.200

Minor communication facilities – Additional standards to reduce degree of visual impact.

The *department* shall also consider the following criteria and give substantial consideration to on-site location and *setback* flexibility authorized in KMC 18.60.190(C) when reviewing applications for new *transmission support structures* and determining appropriate levels of *mitigation*:

A. Whether existing *trees* and *vegetation* can be preserved in such a manner that would most effectively screen the proposed *transmission support structure* from residences on adjacent properties;

B. Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the *transmission support structure* from adjacent residences;

C. Whether the *applicant* has utilized a tower design that reduces the silhouette of the portion of the *transmission support structure* extending above the height of surrounding *trees*; and

D. Whether the factors of subsections B and C of this section can be addressed and the height of the proposed tower be reduced and still provide the level of coverage proposed by the *applicant*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.210

Minor communication facilities – Antenna development standards.

A. If *antennas* are located on a *transmission support structure* or utility pole, then the *antenna* array shall be flush-mounted within six inches of the support structure or pole, or contained in a canister that is a continuation of the diameter of the support structure. If located on a *building*, then the *antenna* array must be flush-mounted within 12 inches of the face of the *building* or mechanical equipment screening.

B. *Antennas* shall not extend vertically above the uppermost portion of the *structure* to which they are mounted or attached, as follows:

1. Not more than the height of the *antenna* on the *transmission support structure* or *alternative transmission support structure* or three feet (36 inches), whichever is more restrictive;

2. Not more than 20 feet on a nonresidential *structure*; and

3. Not more than 15 feet on a residential *structure*, such as a garage, carport, shed, etc.

C. *Antennas* must be located at least 33 feet (10 meters) in any one direction from all residential living spaces and schools.

D. *Antenna modifications* and replacements which meet the requirements of subsection A of this section do not require approval from the *City* or a permit; however, testing per KMC 18.60.260 is required. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.220

NIER exposure standards.

A. A *communication facility*, by itself or in combination with others, shall not expose the public to *NIER* that exceeds the electric or magnetic field strength, or the power density, for the frequency ranges and durations described in 47 CFR 1.1310 or any other applicable federal law or regulation.

A statement signed by a licensed professional electrical engineer shall be submitted that states that the proposed communications facilities meet all federal interference rules and regulations.

B. Permit applications for communication facilities shall include a statement, signed by a registered professional electrical engineer licensed in the State of Washington who holds a valid *FCC* General Radiotelephone License, that the proposed communications facilities meet all federal *NIER* rules and regulations. The report must also include the proposed levels of exposure and how they comply with *FCC* guidelines. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.230

Fencing and NIER warning signs.

All *communication facility sites* shall comply with all federal guidelines regarding fencing and *NIER* warning signs. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.240

Shock and burn standard.

The *communication facility* shall comply with 47 CFR 1.1310. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.250

Landscaping requirements.

A *communication facility site* shall provide *landscaping* as follows:

A. When the facility is located in:

1. The NB, CB, PSP, RB, **WC, UC**, DC, or DR zone, the base of any *transmission support structure* or *transmitter building* shall be landscaped with eight feet of Type II *landscaping* as defined by KMC 18.35.040(B).

2. The R, GC, and P zones, the base of any *transmission support structure*, *alternative transmission support structure* or *transmitter building* shall be landscaped with 10 feet of Type I *landscaping* as defined by KMC 18.35.040(A).

B. When a security fence is used to prevent access onto a *transmission support structure*, *alternative transmission support structure* or *transmitter building*, any *landscaping* required pursuant to subsection A of this section shall be placed outward of such security fence.

C. When a security fence is used:

1. In the NB, **WC, UC**, or RB zone, wood slats shall be woven into the security fence if made of chain-link material.

2. In the R zone, climbing *evergreen* shrubs or vines capable of growing on the fence shall supplement any *landscaping* required pursuant to subsection A of this section.

D. *Landscaping* shall be planted according to KMC 18.35.110. The *applicant* shall be required to maintain the installed *landscaping* per KMC 18.35.120. A two-year landscape maintenance bond shall be required to be posted at the time of permit issuance and will go into effect when the *landscaping* has been installed to ensure survivability of the plants. The amount of the bond shall be determined by the Kenmore landscaping bond quantity worksheet.

E. Existing *vegetation* may be used and/or supplemented with additional *vegetation* to comply with the requirements of subsection A of this section.

F. The *city manager* may waive or modify the provisions for *landscaping* at the base of the *transmission support structure*, *alternative transmission support structure* and/or the equipment buildings when:

1. Existing *structures* on the *site* or the screening effects of existing *vegetation* on the *site* or along the *site* perimeter would preclude the ability to view the base of the *transmission support structure*, *alternative transmission support structure* or equipment building; or

2. The required *landscaping* is accessible to grazing animals and the animals would be better protected by placement of landscape materials within any proposed fencing or by the use of alternative *landscaping vegetation* that would not be toxic to the animals. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.260

Testing of wireless telecommunications facilities required – Radio frequency radiation.

A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable *FCC* regulations regarding the *radio frequency* emissions of the wireless telecommunication facility. All such tests shall be performed by or under the supervision of a *radio frequency* engineer competent to perform such tests and interpret the data gathered.

B. All licensed carriers shall submit a report, certified by a *radio frequency* engineer, setting forth the following:

1. Measurement of existing or ambient *radio frequency* radiation (RFR);
2. Existing RFR plus proposed wireless telecommunication facility: maximum estimate of RFR from the proposed wireless telecommunication facility plus existing ambient RFR;
3. Existing RFR plus proposed wireless telecommunication facility plus cumulative: maximum estimate of RFR from the proposed wireless telecommunication facility plus the maximum estimate of RFR from the total addition of collocated wireless telecommunication facilities, if any, plus the existing ambient RFR; and
4. Certification, signed by a *radio frequency* engineer, stating that the RFR measurements are accurate and meet *FCC* guidelines.

C. Initial field measurements shall be performed prior to placing the wireless telecommunication facility into service and the initial compliance report shall be submitted within 14 days of the wireless telecommunication facility becoming fully operational.

D. Compliance reports shall be required to be submitted to the *City* when a facility is to be modified under *FCC* guidelines or when an *FCC* license renewal application is made.

E. The *City* may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or *applicant*. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.270

Interference.

Permit applications for *communication facilities* shall include a statement, signed by a licensed professional electrical engineer, that the proposed *communications facilities* meet all federal interference rules and regulations. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.280

NIER enforcement.

The *city manager* shall have the authority to take any necessary steps to seek *FCC* enforcement of the relevant standards, or, to the extent consistent with applicable law and *FCC* regulations, to take such other steps as may be appropriate to rectify such a violation. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.290

Minor communication facilities – Time limits and establishment period.

The building permit shall become null and void if construction of the *transmission support structure* has not begun within one year after the effective date of permit approval or if *antennas* are not installed within 180 days after construction of the *transmission support structure*. Extensions shall be allowed only in accordance with the criteria specified for building permit extensions in KMC Title 15. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.300**Minor communication facilities – Cessation of use.**

An *antenna* shall be removed from a *transmission support structure* or *alternative transmission support structure* within 180 days after the *antenna* is no longer operational unless the owner of the *antenna* can show to the *City's* satisfaction that the *antenna* is likely to be used again within the next six months. A *transmission support structure* for wireless communication facilities shall be removed within one year of the date the last *antenna* is removed. *Antennas* or *transmission support structures* that are not removed within the time frames described herein may be removed by the *City* or a contractor designated by the *City*, and the owner of the *antenna* or *transmission support structure* shall reimburse the *City* for its costs in removing the *antenna* or *transmission support structure*. The *City* may extend the deadlines listed in this section. Nothing herein prevents a landlord from removing *antennas* of tenants which are in default under the terms of a lease agreement. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.310**Minor communication facilities – Criteria for determining technical feasibility.**

When an *applicant* is required to demonstrate that an existing, modified or replacement structure is not technically feasible for collocation, the evidence submitted to corroborate that finding may consist of any of the following:

A. No existing structures are located within the geographic area required to meet the *applicant's* proposed area of coverage.

B. Existing structures are not of sufficient structural strength to support the *applicant's* proposed *antenna* and related equipment and the cost of *modification* or replacement of an existing structure to allow collocation would equal or exceed that of the construction of the new structure.

C. Existing structures or structures modified consistent with KMC 18.60.120 would not be of sufficient height required to meet the *applicant's* proposed area of coverage or allow *microwave* connection to other *sites* operated by the *applicant*.

D. The *applicant's* proposed *antenna* would cause interference between the proposed and existing *antennas*, and that even the additional height permitted for collocations pursuant to KMC 18.60.130 would not ensure enough separation to avoid such interference. [Ord. 11-0329 § 3 (Exh. 1).]

18.60.320**Third party review.**

In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless service provider. The *City* may require such technical review, to be paid for by the *applicant* for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the *applicant* and the *City*, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of *radio frequency* engineering.

The expert review is intended to be a site-specific review of technical aspects of the personal *wireless services*, facilities and other matters as described herein, and not a subjective review of the *site* selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the *applicant's* coverage objectives and system design parameters. Such review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the *City* or other interested parties. Based on the results of the third party review, the *City* may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.77

AFFORDABLE HOUSING

Sections:

18.77.010 Affordable housing – Purpose and intent.

18.77.020 Applicability.

18.77.030 Requirements.

18.77.010

Affordable housing – Purpose and intent.

The purpose of this chapter is to implement, through regulations, the responsibility of the *City* under the Washington State Growth Management Act to consider the housing needs of all economic segments of the community, and to assure an adequate affordable housing supply in the *City*. The *City* recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives, innovative planning techniques, and requirements will be necessary to make adequate provisions for the needs of households whose incomes are at or below median income. [Ord. 11-0329 § 3 (Exh. 1).]

18.77.020

Applicability.

The provisions of this chapter shall apply to multifamily residential *developments* proposed on property four acres or greater in size within the downtown residential or downtown commercial zones that lie west of 68th Avenue NE, and which are providing for more than 20 *multiple-family dwelling units*. [Ord. 11-0329 § 3 (Exh. 1).]

18.77.030

Requirements.

A. Affordable housing units amounting to 25 percent of the total number of units in the *development* shall be provided. Housing shall be affordable to those who make equal to or less than 85 percent of the King County median household income adjusted for household size.

B. Unit size mix shall be comparable to the market mix, units shall be integrated into the whole *development*, and affordable units shall match the tenure of the whole *development*, unless otherwise authorized by the *City*.

C. Subject to *City* authorization, the affordable units need not be provided within the *development*, but must be provided within the downtown commercial, downtown residential, **urban corridor, waterfront commercial**, or regional business zone. Units may be either rented or sold. Off-site affordable housing may be provided if the *City* finds that:

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1. The location chosen does not lead to undue concentration of affordable housing in any particular area of the *City*; and
 2. The *site* is within close proximity to employment opportunities and/or transit services; and
 3. Adequate infrastructure and municipal services can be provided.
- D. Monthly rents, including utilities where applicable, shall be no greater than 30 percent of the monthly income for households earning up to 85 percent of the King County median household income adjusted for household size. Home prices considered affordable for buyers earning up to 85 percent of the King County median household income adjusted for household size shall be determined by the City. Covenants shall be established which guarantee the fulfillment of this obligation. [Ord. 13-0363 § 5; Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.80

RESIDENTIAL DENSITY INCENTIVES

Sections:

- 18.80.010 Purpose.
- 18.80.020 Permitted locations of residential density incentives.
- 18.80.030 Maximum densities permitted through residential density incentive review.
- 18.80.040 Public benefits and density incentives.
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- 18.80.070 Minor adjustments in final site plans.
- 18.80.080 Applicability of development standards.
- 18.80.090 Transfer rules.

18.80.010

Purpose.

The purpose of this chapter is to provide density incentives to *developers* of residential property, in exchange for public benefits to help achieve comprehensive plan goals of affordable housing, *open space* protection, and parkland acquisition, by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of *sites* containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.020

Permitted locations of residential density incentives.

Residential density incentives (RDIs) shall be used only on *sites* served by public sewers and only in the following zones:

- A. In R-4 through R-24 and downtown residential zones; and
- B. In DC, NB, CB, UC, WC, and RB zones when part of a *multiple family dwelling or mixed use development*. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.030

Maximum densities permitted through residential density incentive review.

The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the *development site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.040

Public benefits and density incentives.

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection E of this section. The density incentive is expressed as additional bonus *dwelling units*, or fractions of *dwelling units*, earned per amount of public benefit provided.

- B. Bonus *dwelling units* may be earned through any combination of the listed public benefits.

C. Bonus *dwelling units* may also be earned and transferred to the project *site* through the *transfer of density credit (TDC)* process by providing any of the *open space, park* site public benefits set forth in subsection (E)(2) of this section on *sites* other than that of the *RDI development*.

D. Residential *development* in R-4 through R-24 and downtown residential zones with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus *dwelling units* in accordance with subsection E of this section if the public benefits provided exceed the basic development standards of this title. If a *development* is located in a special overlay district, bonus units may be earned if the *development* provides public benefits exceeding corresponding standards of the special district.

E. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently priced to serve low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	2.0 bonus units per benefit unit.
b. Benefit units consisting of assisted housing units 600 square feet or less.	1.0 bonus unit per benefit unit.
c. Benefit units consisting of rental housing permanently priced to serve moderate-income households (i.e., no greater than 30 percent of gross income for households at or below 70 percent of King County median income, adjusted for household size). A covenant on the <i>site</i> that specifies the income level being served, rent levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.

BENEFIT	DENSITY INCENTIVE
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the <i>site</i> that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to the <i>City</i> shall be recorded at final approval.	1.0 bonus unit per benefit unit.
e. Projects in which units are reserved for moderate-income- and asset-qualified buyers (total household income at or below 50 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 30 years from date of first sale. Final approval conditions shall specify requirements for reporting to the <i>City</i> on both buyer eligibility and housing prices.	2.0 bonus units per benefit unit.
f. Benefit units consisting of <i>mobile home park</i> space or pad reserved for the relocation of an insignia or noninsignia <i>mobile home</i>, that has been or will be displaced due to closure of a <i>mobile home park</i> located in the <i>City</i>.	1.0 bonus unit per benefit unit.
2. OPEN SPACE, TRAILS AND PARKS	
a. Dedication of <i>park</i> site or <i>trail</i> right-of-way meeting the <i>City</i> location and size standards for neighborhood, community or regional <i>park</i>, or <i>trail</i>, and accepted by the <i>department</i>.	0.5 bonus unit per acre of <i>park</i> area or quarter-mile of <i>trail</i> exceeding the minimum requirement of Chapter 18.30 KMC for on-site recreation space or <i>trail</i> corridors, computed on the number of <i>dwelling units</i> permitted by the <i>site's</i> base density.

BENEFIT	DENSITY INCENTIVE
b. Improvement of dedicated <i>park</i> site to <i>City</i> standards for developed <i>parks</i> .	0.75 bonus unit per acre of <i>park</i> improvement. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated <i>trail</i> segment to <i>City</i> standards.	1.8 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for pedestrian <i>trails</i> ; or 2.5 bonus units per quarter-mile of <i>trail</i> constructed to <i>City</i> standard for multipurpose <i>trails</i> (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the <i>applicant</i> is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of <i>open space</i> , meeting <i>City</i> acquisition standards to the <i>City</i> or a qualified public or <i>private</i> organization such as a nature conservancy.	0.5 bonus unit per acre of <i>open space</i> .

[Ord. 11-0329 § 3 (Exh. 1).]

18.80.050

Rules for calculating total permitted dwelling units.

A. The formula for calculating the total number of *dwelling units* permitted through RDI review is as follows:

DUs allowed by RDI <i>site</i> base Density	+	Bonus DUs	+	DUs allowed by <i>sending site</i> density (if any)	=	TOTAL RDI DUs
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B. The total *dwelling units* permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the *site* in accordance with Chapter 18.30 KMC;
2. Calculate the total number of bonus *dwelling units* earned by providing the public benefits listed in KMC 18.80.040;
3. Add the number of bonus *dwelling units* earned to the number of *dwelling units* permitted by the base density;

4. Add the number of *dwelling units* permitted by the base density of the *site* sending *TDCs*, if any;
5. Round fractional *dwelling units* to the nearest whole number; 0.49 or less *dwelling units* are rounded down; and
6. On *sites* with more than one zone or zone density, the maximum density shall be calculated for the *site area* of each zone. Bonus units may be reallocated within the zones in the same manner set forth for base units. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.060

Review process.

A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

1. For the purpose of this section, a “primary proposal” is defined as a proposed subdivision, short subdivision of more than four lots, *conditional use permit* or commercial building permit;
2. When the primary proposal requires a public hearing under this code or KMC Title 17, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed *development* and use of RDI;
3. When the primary proposal does not require a public hearing under this code or KMC Title 17, the RDI proposal shall be subject to the decision criteria for *conditional use permits* outlined in Chapter 18.115 KMC and to the procedures set forth for *city manager/hearing examiner* review in this title; and
4. The notice for the RDI proposal also shall include the *development’s* proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.070

Minor adjustments in final site plans.

When issuing building permits in an approved RDI *development*, the *department* may allow minor adjustments in the approved site plan involving the location or dimensions of *buildings* or *landscaping*, provided such adjustments shall not:

- A. Increase the number of *dwelling units*;
- B. Decrease the amount of perimeter *landscaping* (if any);
- C. Decrease residential parking facilities (unless the number of *dwelling units* is decreased);
- D. Locate *structures* closer to any *site* boundary line; or
- E. Change the locations of any points of ingress and egress to the *site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.080

Applicability of development standards.

A. RDI *developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI *development*; provided, that an RDI proposal in the R-4 through R-6 zones shall conform to the height requirements of the underlying zone in which it is located.

B. RDI *developments* in the R-4 through R-6 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI *development* consist of *townhouses* or *apartments*, the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapters 18.35 and 18.57 KMC for *townhouse* or *apartment* projects.

2. When less than 75 percent of the units in the RDI consist of *townhouses* or *apartments*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapters 18.35 and 18.57 KMC for *townhouses* or *apartments* on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

3. All other portions of the RDI shall provide *landscaping* or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

C. RDI *developments* in all other zones shall be landscaped or retain *trees* in accordance with Chapters 18.35 and 18.57 KMC.

D. RDI *developments* shall provide parking as follows:

1. Projects with 100 percent affordable housing shall provide one off-street *parking space* per unit. The *city manager* may require additional parking, up to the maximum standards for attached *dwelling units*, which may be provided in common parking areas.

2. All other RDI proposals shall provide parking for:

a. Market rate/bonus units at levels consistent with Chapter 18.40 KMC; and

b. Benefit units at:

(1) One or two bedrooms: one *parking space* per unit;

(2) Three bedrooms: 1.5 *parking spaces* per unit;

(3) Parking may be further reduced if a parking demand analysis is provided per KMC

18.40.030(B).

E. RDI *developments* shall provide on-site recreation space as follows:

1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in Chapter 18.30 KMC.

2. All other RDI proposals shall provide recreation space for:

a. Market rate/bonus units at levels consistent with Chapter 18.30 KMC; and

b. Benefit units at 50 percent of the levels required for market rate/bonus units. [Ord. 11-0329 § 3 (Exh. 1).]

18.80.090

Transfer rules.

A. The number of density credits that a *sending site* is eligible to send to a *receiving site* shall be determined by applying the base density of the zone the *sending site* is located in to the total *sending site area*, less any portion of the *sending site* already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other *development*. A plot plan showing *critical areas* and *buffers*, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in Chapter 18.30 KMC.

B. *Sending sites* with *critical areas* that have been declared unbuildable under Chapter 18.30 KMC shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the *sending* and *receiving sites* shall be combined to calculate the overall *site* percentage of *critical areas* and *buffers* necessary for determining the allowable density credit as set forth in Chapter 18.55 KMC.

C. Density credits from one *sending site* may be allocated to more than one *receiving site*. The credit from each segment shall be allocated to a specified *receiving site*.

D. When the *sending site* consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the *lot* pursuant to KMC Title 17 or deed restrictions documenting the density credit transfers shall be recorded with the title to both the *sending* and

receiving sites. A parcel need not segregate a *sending site* from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection E of this section.

E. Conservation easements shall be required for land contained in the *sending site*, whether or not such land is dedicated, as follows: a conservation easement as defined in the *open space* plan shall be recorded on the *sending site* to indicate development limitations on the *sending site*.

F. Upon submitting an application to develop a *receiving site* under the provisions of this chapter, the *applicant* shall provide evidence of ownership or full legal control of all *sending sites* proposed to be used in calculating total density on the *receiving site*. It shall be the *applicant's* responsibility, prior to application, to ascertain what form of permanent protection of the *sending site* will be acceptable to the *City*.

G. Density credits from a *sending site* shall be considered transferred to a *receiving site* when the *sending site* is permanently protected by a completed and recorded land dedication or conservation easement.

H. *TDC developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the *TDC development*. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.100

GENERAL PROVISIONS – NONCONFORMANCE, EXISTING LEGAL USES, AND TEMPORARY USES

Sections:

- 18.100.010 Purpose.
- 18.100.020 Nonconformance – Applicability.
- 18.100.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.
- 18.100.040 Nonconformance – Abatement of illegal use, structure or development.
- 18.100.050 Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.
- 18.100.060 Nonconformance – Modifications to nonconforming use, structure, or site improvement.
- 18.100.070 Nonconformance – Expansions of nonconforming uses, structures, or site improvements.
- 18.100.080 Nonconformance – Required findings.
- 18.100.085 Existing legal uses abandonment.
- 18.100.087 Existing legal uses expansion.
- 18.100.090 Nonconformance – Residences.
- 18.100.100 Temporary use permits.
- 18.100.110 Temporary use permits – Exemptions to permit requirement.
- 18.100.120 Temporary use permits – Duration and frequency.
- 18.100.125 Temporary use permits – Decision criteria.
- 18.100.130 Temporary use permits – Parking.
- 18.100.140 Temporary use permits – Traffic control.
- 18.100.150 Temporary construction buildings.
- 18.100.160 Temporary construction residence.
- 18.100.170 Temporary mobile home for medical hardship.
- 18.100.180 Temporary real estate offices.
- 18.100.190 Temporary school facilities.

18.100.010

Purpose.

The purposes of this chapter are to:

- A. Establish the legal status of a *nonconformance* by creating provisions through which a *nonconformance* may be maintained, altered, reconstructed, expanded or terminated;
- B. Establish the rules for an *existing legal use* by creating provisions through which an *existing legal use* may be maintained, altered, reconstructed, expanded or terminated; and
- C. Provide for the temporary establishment of *uses* that are not otherwise permitted in a zone or that do not meet all development standards of a zone and to regulate such *uses* by their scope and period of use. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.020

Nonconformance – Applicability.

- A. All *nonconformances* shall be subject to the provisions of this chapter.
 - B. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - 1. The requirements of the International Building and Fire Codes; or
 - 2. The provisions of this code beyond the specific *nonconformance* addressed by this chapter.
- [Ord. 11-0329 § 3 (Exh. 1).]

18.100.030**Nonconformance – Creation, continuation, and forfeiture of nonconformance status.**

Once created pursuant to KMC 18.20.1860, a *nonconformance* may be continued in a manner consistent with the provisions of this chapter. However, *nonconformance* status is forfeited if the *nonconformance* is discontinued beyond the provisions of KMC 18.100.050. Once *nonconformance* status is forfeited, the *nonconformance* shall not be re-established. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.040**Nonconformance – Abatement of illegal use, structure or development.**

Any *use*, *structure* or other site improvement not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the provisions of Chapter 1.20 KMC. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.050**Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.**

A nonconforming *use* which has been discontinued, or a nonconforming *structure* or site improvement which has been damaged or destroyed, may be re-established or reconstructed if:

A. The nonconforming *use*, *structure*, or site improvement which previously existed is not expanded;

B. A new *nonconformance* is not created;

C. The *use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a complete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits; and

D. Requests for extension of the period identified in subsection C of this section to continue the *use* or submit construction applications may be made to the *city manager* in writing prior to the expiration of 12-month period, and shall be treated as a Type 2 permit review. The *city manager* shall determine whether to grant the extension for *use* continuance or reconstruction on (1) the basis of a good faith effort by the *applicant* either to lease property or to make a complete application or pursue the fulfillment of approved *development permits* with diligence, and (2) extenuating circumstances beyond the control of the *applicant* have caused a delay towards continuing the *use* or towards preparation of a complete application or diligent pursuit of construction. Examples of situations that would not qualify as extenuating circumstances include a change in economic market conditions for a *use* or delays in financing. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.060**Nonconformance – Modifications to nonconforming use, structure, or site improvement.**

Modifications to a nonconforming *use*, *structure*, or site improvement may be reviewed and approved by the *department*; provided, that:

A. The modification does not expand or intensify any existing *nonconformance*; and

B. The modification does not create a new type of *nonconformance*. Proposed expansions of a *nonconformance* are governed by KMC 18.100.070. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.070**Nonconformance – Expansions of nonconforming uses, structures, or site improvements.**

A nonconforming *use, structure*, or site improvement may be expanded, provided the expansion does not extend beyond the original parcels at the time the *use* or *structure* or site improvements became nonconforming, only as follows:

A. The *department* may review and approve an expansion of a *nonconformance*; provided, that:

1. The expansion shall conform to all other provisions of this title, except that the extent of the project-wide *nonconformance* in each of the following may be increased up to 10 percent:

- a. Building square footage (for a *floor area ratio* or building size *nonconformance*);
- b. *Impervious surface*;
- c. Parking; or
- d. Building height.

2. Unless provisions specifically indicate conditions under which full compliance with standards is required, when expansions are proposed pursuant to subsection A, B or C of this section, the percentage (by value) of the required code compliance standards to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing *lot* and *structure* improvements up to 100 percent; the *city manager* shall have the authority to specify the location and phasing sequence of the required improvements which fall under this section. The percentage (by value) of the required design or development standards to be installed shall be related to the *building* or site improvement proposed by the *applicant*. For example, if parking expansions are proposed, parking lot *landscaping* requirements may be applied.

3. No subsequent expansion of the same *nonconformance* shall be approved under this subsection if the cumulative amount of such expansion exceeds the percentage prescribed in subsection (A)(1) of this section.

4. Where an accessory *drive-through service use* is determined to be nonconforming, but expansion of the principal allowed *use* is authorized, the nonconforming accessory *drive-through service* activity may be retained along with the expanded principal allowed *use*, provided the accessory *drive-through service* meets required design standards and is not increased in size or scope.

B. A *special use permit* shall be required for expansions of a *nonconformance* within a *development* authorized by an existing *special use permit* if the expansions are not consistent with the provisions of subsection A of this section.

C. A *conditional use permit* shall be required for expansions of a *nonconformance* not consistent with the provisions of subsections A and B of this section.

D. No expansion shall be approved that would conflict with *City* comprehensive plan policies. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.080**Nonconformance – Required findings.**

Modifications or expansions approved by the *department* shall be based on written findings that the proposed modification or expansion of a *nonconformance* located within a *development* governed by an existing *conditional use permit* or *special use permit* shall provide the same level of protection for and compatibility with adjacent land *uses* as the original land use permit approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.085**Existing legal uses abandonment.**

If an *existing legal use* has not been discontinued for more than 12 months prior to its re-establishment, or the nonconforming *structure* or site improvement is reconstructed pursuant to a com-

plete permit application submitted to the *department* within 12 months of the occurrence of damage or destruction and the construction is diligently pursued according to issued permits, such *existing legal use* may be retained. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.087

Existing legal uses expansion.

Uses listed as permitted “*existing legal*” *uses* in a zone may be rebuilt or re-established should they suffer damage. These *uses* may be remodeled or enlarged subject to current development code requirements (e.g., height limits, lot coverage, density limits, *setbacks*, parking, etc.). Expansion may occur on original parcels containing the *use* as of the effective date of “*existing legal*” status. Expansion of *existing legal uses* may be permitted to adjacent parcels if the adjacent parcels were and are still owned or leased by the same business or residential *use* owner at the time the *use* became *existing legal*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.090

Nonconformance – Residences.

Any residence nonconforming relative to *use* may be expanded, after review and approval, subject to all other applicable codes besides those set forth in this chapter for *nonconformances*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.100

Temporary use permits.

A temporary use permit is a mechanism by which the *City* may permit a *use* to locate within the *City* on an interim basis, without requiring full compliance with the development standards, or by which the *City* may permit seasonal or transient *uses* not otherwise permitted.

Except as provided by KMC 18.100.110, a temporary use permit shall be required for:

- A. *Uses* not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency;
- B. *Uses* permitted in a zone which do not meet all of the required development standards but that can be made compatible for periods of limited duration and/or frequency; or
- C. Limited expansion of any *use* that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.110

Temporary use permits – Exemptions to permit requirement.

A. Any *use* not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

B. The following *uses* shall be exempt from requirements for a temporary use permit when located in the RB, WC, UC, CB, DC, PSP, P, or NB zones for the time period specified below:

- 1. *Uses* not to exceed a total of 30 days each calendar year:
 - a. Christmas tree lots; and
 - b. Produce stands.
- 2. *Uses* not to exceed a total of 14 days each calendar year:
 - a. Amusement rides, carnivals, or circuses;
 - b. Community festivals; and
 - c. Parking lot sales.

C. Any community event held in a *park* and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Temporary uses or activities, conducted during an *emergency* event, or training exercises conducted at emergency sites, designated pursuant to an emergency management plan, shall not be subject to the provisions of this title. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.120

Temporary use permits – Duration and frequency.

Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for up to 365 days after issuance by the *city manager*;

B. The temporary use shall not exceed a total of 90 days or as otherwise provided in this title; provided, that this requirement applies only to the days that the event(s) authorized by the permit actually takes place. This time limit may be extended by the *city council* following a public hearing on the proposal;

C. The temporary use permit shall specify a date upon which the *use* shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.125

Temporary use permits – Decision criteria.

A temporary use permit shall be granted by the *City* only if the *applicant* demonstrates that:

A. The proposed temporary use will not be materially detrimental to the public welfare;

B. The proposed temporary use is compatible with existing land *uses* in the immediate vicinity in terms of noise and hours of operation; and

C. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.130

Temporary use permits – Parking.

Parking and access for proposed temporary *uses* shall be approved by the *City*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.140

Temporary use permits – Traffic control.

The *applicant* for a proposed temporary use shall provide any parking/traffic control attendants as specified by the *department*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.150

Temporary construction buildings.

Temporary *structures* for storage of tools and equipment, or for supervisory offices, may be permitted for construction projects; provided, that such *structures* are:

A. Allowed only during periods of active construction; and

B. Removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.160

Temporary construction residence.

A. A *mobile home*, motor home, travel trailer, or truck camper may be permitted on a *lot* as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on

the *site* has been obtained and adequate provisions are made for utility services, including potable water and waste water disposal.

B. The temporary construction residence permit shall be effective as long as the building permit for the permanent dwelling on the *site* is active.

C. The temporary construction residence shall be removed within 90 days of:

1. The expiration of the building permit for the permanent dwelling on the site; or
2. The issuance of a certificate of occupancy for the permanent residence, whichever occurs first. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.170

Temporary mobile home for medical hardship.

A. A *mobile home* may be permitted as a temporary dwelling on the same *lot* as a permanent dwelling, provided:

1. The *mobile home* together with the permanent residence shall meet the *setback*, height, building footprint, and lot coverage provisions of the applicable zone; and
2. The *applicant* submits with the permit application a notarized affidavit that contains the following:
 - a. Certification that the temporary dwelling is necessary to provide *daily care*, as defined in Chapter 18.20 KMC;
 - b. Certification that the primary provider of such *daily care* will reside on-site;
 - c. Certification that the *applicant* understands the temporary nature of the permit, subject to the limitations outlined in subsections B and C of this section;
 - d. Certification that the physician's signature is both current and valid; and
 - e. Certification signed by a physician that a resident of the subject property requires *daily care*, as defined in Chapter 18.20 KMC.

B. Temporary mobile home permits for medical hardships shall be effective for 12 months. Extensions of the temporary mobile home permit may be approved in 12-month increments subject to demonstration of continuing medical hardship in accordance with the procedures and standards set forth in subsection A of this section.

C. The *mobile home* shall be removed within 90 days of:

1. The expiration of the temporary mobile home permit; or
2. The cessation of provision of *daily care*. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.180

Temporary real estate offices.

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The office *use* shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for an *apartment development*, and within two years of the recording of a formal subdivision or short subdivision of more than four lots. [Ord. 11-0329 § 3 (Exh. 1).]

18.100.190

Temporary school facilities.

Temporary school *structures* may be permitted during construction of new school facilities or during remodeling of existing facilities; provided, that such *structures*:

- A. Are allowed only during periods of active construction or remodeling;
- B. Do not expand the student capacity beyond the capacity under construction or remodeling; and
- C. Are removed within 30 days of project completion or cessation of work. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.105

SITE PLAN REVIEW

Sections:

- 18.105.010 Purpose.
- 18.105.020 Applicability.
- 18.105.030 Process.
- 18.105.040 Application of development standards.
- 18.105.050 Approval.
- 18.105.060 Limitation of permit approval.
- 18.105.070 Administrative rules.

18.105.010

Purpose.

The purpose of this chapter is to establish a comprehensive site plan review process for *development* proposals on certain sites in selected zones of the City based on their significant size, location, frontage on major public thoroughfares, use, or project scope. This will result in a land use decision which can combine any or all of the following:

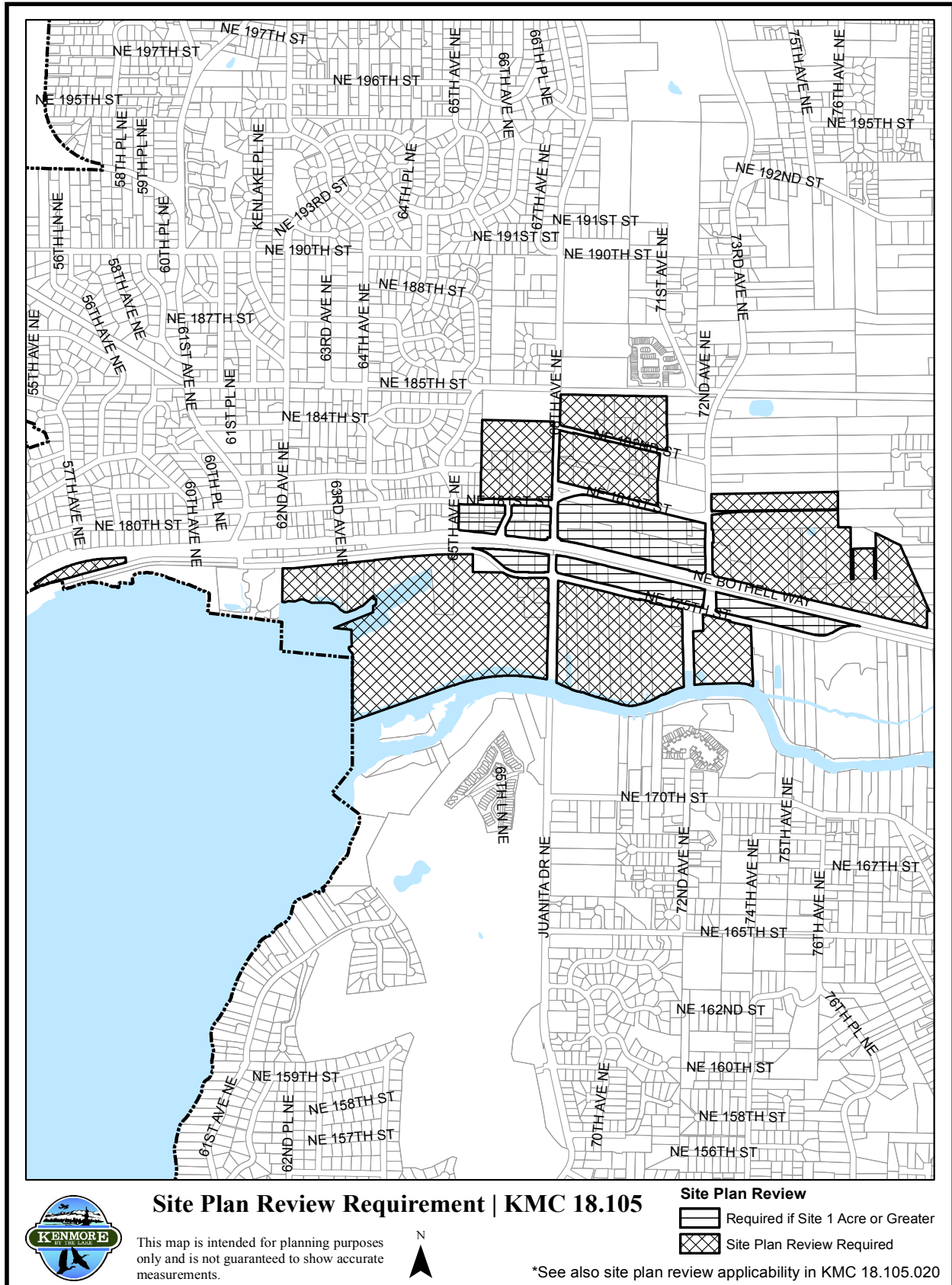
- A. *Site* development requirements specified prior to building, grading or engineering permit applications.
- B. *Site* review and application of rules and regulations generally applied to the whole *site* without regard to existing or proposed internal lot lines.
- C. *Site development* coordination and project phasing occurring over a period of years.
- D. Evaluation against specific approval criteria.
- E. Evaluation of commercially zoned property for the creation or alteration of *lots* as part of a binding site plan application. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.020

Applicability.

A. An application for site plan review shall be submitted for the following *development proposals*:

1. *Development* on *sites* identified on the City's Site Plan Review Requirement Map (see revised map);
2. *Development* on *sites* equal to or greater than three acres in size at the time of application in the PSP zone;
3. *Development* proposed for *classified uses* which are neither permitted, nor conditionally permitted, nor prohibited in the P, GC or PSP zones; or
4. *Development* on other *sites* as determined by the *city manager* after a preliminary review of the project's scope.



B. An application for site plan review may be submitted by an applicant for any *development proposal*.

C. A site plan review is separate from and does not replace other required land use permits. A site plan review may be combined and reviewed concurrently with other land use permits, however.

D. If required or requested under subsection A or B of this section, an applicant shall receive a site plan review prior to the issuance of building, mechanical, plumbing, electrical, clearing, grading, engineering, or other similar administrative permits.

E. Proposed expansion of existing *development* for *sites* described under subsection A of this section, with or without an approved site plan review, shall require a new site plan review when such changes are determined by the *city manager* to be a major modification. For purposes of this section, factors to be considered when determining whether an expansion is a major modification include but are not limited to relocation of access or parking, addition of a building, or incorporation of an additional lot.

F. An applicant may request a waiver of the site plan review requirement from the *city manager*. Such waiver shall be based on a preliminary review of the development proposal and a written finding that the proposal is consistent with the comprehensive plan and the requirements of this title, is minor in scope, and will have no adverse effects on neighboring properties or the City as a whole. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.030

Process.

A site plan review shall be processed as follows:

A. For those *sites* identified under KMC 18.105.020(A)(1) and (2) and (B), the site plan review shall be processed in accordance with requirements for a Type 2 land use decision as outlined in Chapter 19.25 KMC.

B. For those *sites* identified under KMC 18.105.020(A)(3), the site plan review shall be processed in accordance with requirements for a Type 4 land use decision as outlined in Chapter 19.25 KMC.

C. For those *sites* identified under KMC 18.105.020(A)(4), the site plan review shall be processed in accordance with requirements for a Type 2 land use decision as outlined in Chapter 19.25 KMC, unless otherwise determined by the city manager. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.040

Application of development standards.

An application for a site plan review shall be reviewed pursuant to all adopted *City* codes and regulations.

Lot-based standards, such as internal circulation, drainage control, landscaping, signage and setback requirements, are typically applied to each individual *lot* within the *site*. However, the *city manager* may approve an application for site plan review where such standards have been applied to the *site* as if it consisted of one parcel.

The *city manager* may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the *City*; provided, the *site* is being reviewed concurrently with a binding site plan application. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.050

Approval.

A. The *city manager* may approve, deny, or approve with conditions an application for a site plan review. The decision shall be based on the following approval criteria:

1. Conformity with adopted *City* and State rules and regulations in effect on the date the complete application was filed;

2. Consideration of the recommendations or comments of interested parties and those agencies having pertinent expertise or jurisdiction, consistent with the requirements of this title;

3. Compatibility with the character and appearance of existing or proposed development in the vicinity of the subject property;

4. Compatibility with plans for existing and proposed pedestrian and vehicular traffic in the vicinity of the subject property; and

5. Conformity with the *City's* comprehensive plan.

B. Subsequent permits for the subject *site* shall be issued only in compliance with the approved site plan review.

C. Approval of the site plan review shall not provide the *applicant* with a vested right to build without regard to subsequent changes in the building and fire codes listed in KMC Title 15 regulating construction. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.060

Limitation of permit approval.

A. A site plan review approved without a phasing plan shall be null and void if the *applicant* fails to file a complete building permit application(s) for all *buildings* within three years of the approval date, or by a date specified by the *city manager*, and fails to have all valid building permits issued within four years of the site plan review approval date; or

B. A site plan review approved with a phasing plan shall be null and void if the *applicant* fails to meet the conditions and time schedules specified in the approved phasing plan.

C. The *city manager* may grant one or more extensions of the time limits set forth in subsections A and B of this section, each of a duration determined by the *city manager*, if the following findings are made:

1. Initial building permits have not been submitted or the project has not been completed due to causes beyond the *applicant's* control, such as litigation, acts of God, unanticipated *site* conditions or adverse economic market conditions;

2. The *applicant* has shown a good faith effort to commence or complete the project within the time previously allotted;

3. Conditions identified as part of SEPA or other permit processes remain appropriate to address project impacts. The *city manager* has the authority to establish additional conditions designed to address incremental changes in project impacts arising or occurring as a result of any extension of time; and

4. The period of the extension granted is reasonable in light of the conditions warranting the extension and the incremental changes, if any, in project impacts. [Ord. 11-0329 § 3 (Exh. 1).]

18.105.070

Administrative rules.

The *city manager* may promulgate administrative rules and regulations to implement the provisions and requirements of this chapter. [Ord. 11-0329 § 3 (Exh. 1).]

Chapter 18.110

DEVELOPMENT AGREEMENTS

Sections:

- 18.110.010 Authority.
- 18.110.020 General provisions.
- 18.110.030 Development standards – Flexibility.
- 18.110.040 Enforceability.
- 18.110.050 Processing procedure.
- 18.110.060 Status, recording and amendment of development agreement.

18.110.010

Authority.

The *City* may consider and enter into a *development agreement* with the owners of real property within the *City*, or with persons having control of real property within the *City* if the owners of such real property execute an authorization for such real property to be subject to and bound by the *development agreement*. In this chapter, the term “owner” shall include both the owner of such real property and such person having control of such property. Per RCW 36.70B.170, the execution of a *development agreement* is a proper exercise of *City* police power and contract authority. A *development agreement* must set forth the development standards and other provisions that shall apply to and govern and vest the *development, use* and mitigation of the development of the real property for the duration specified in the agreement. The decision of the city council to approve or reject a request for a *development agreement* is a proper exercise of police power and contract authority and shall be a discretionary, legislative act. [Ord. 12-0347 § 1 (Att. A).]

18.110.020

General provisions.

A. In this chapter, the term “*development regulations*” shall have the meaning set forth in KMC 19.10.070.

B. A *development agreement* shall be consistent with the applicable policies and goals of the *City’s* comprehensive plan.

C. Any departure requested by the *owner* from the development standards of this code through a *development agreement* shall be offset by the *owner’s* provision of a benefit to the *City* of equal or greater value relative to the departure requested, as determined by the *City*.

1. Equivalent value need not be measured monetarily and the proposed benefit need not be of the same type as the existing development standard requirement. For example, the benefit of a public open space dedication may be considered against the benefit of a required street improvement.

2. In considering equivalency for the P-suffix and special district overlay regulations, the scope and scale of the proposed development shall be considered. The P-suffix and special district overlay regulations were applied as mitigation for a major mixed use development and they may be modified or eliminated through the development agreement process.

In no case shall a departure from the development standards be granted if no equivalent benefit to the *City* is provided.

D. A *development agreement* may be proposed and approved only for properties in the downtown commercial (DC), and regional business (RB), waterfront commercial (WC), urban corridor (UC), and downtown residential (DR) zones, as well as for properties zoned public and semi-public (PSP) that are within 300 feet of the downtown commercial (DC) zone.

E. A *development agreement* does not supplant any other required land use decision per KMC 19.25.020, including but not limited to a rezone, a shoreline permit, a site plan review, or an environmental review under Chapter 19.35 KMC. Such land use decisions shall be reviewed in conjunction with the *development agreement*.

F. As applicable, the *development agreement* must specify the following:

1. Project components which define and detail the permitted *uses*, residential densities, non-residential densities and intensities or building sizes;
2. Design standards such as architectural treatment, maximum heights, *setbacks*, *landscaping*, drainage and water quality requirements and other development features;
3. Parking;
4. Provisions for affordable housing, if applicable;
5. *Parks* and common *open space* preservation;
6. Amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees or dedications;
7. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
8. Phasing;
9. Build-out or vesting periods for applicable standards; and
10. Other appropriate development requirements or procedures which are based upon a *City* policy, rule, regulation or standard.

G. A *development agreement* may obligate a party to dedicate land or easements, or fund or provide services, infrastructure or other facilities.

H. Subsequently adopted development standards which differ from those of an approved *development agreement* shall apply to the property subject to the *development agreement* only where necessary to address a serious threat to public health and safety. Subsequently adopted development standards which differ from those of an approved *development agreement* also shall apply following expiration of any phase or time period specified in the *development agreement* during which identified standards cannot be modified. [Ord. 12-0347 § 1 (Att. A).]

18.110.030

Development standards – Flexibility.

A. A *development agreement* shall be consistent with applicable development regulations to the fullest extent possible. Provided, however, a *development agreement* may allow for development standards that are different from those standards otherwise imposed under this code in order to provide flexibility to achieve public benefits, respond to changing community needs, or authorize modifications which provide the functional equivalent or adequately achieve the purposes of otherwise applicable development standards.

B. A *development agreement* cannot authorize deviations from the *uses*, residential densities, *floor area ratio* limitations, or maximum *structure* height allowed in the underlying zoning district or through property-specific development standards or special district overlay requirements, unless the city council approves the deviation by a vote of a majority plus one of the whole city council after a minimum of two public hearings on the agreement.

C. A *development agreement* cannot authorize deviations from the following development standards:

1. KMC Title 15, Buildings and Construction;
2. KMC Title 16, Environment;
3. Chapter 18.55 KMC, Critical Areas; and

4. Chapter 13.35 KMC, Surface Water Runoff Policy, and Chapter 13.45 KMC, Water Quality.

D. Any approved development standards that differ from those in this code shall not require any further *variance* from development standards or *use* permit apart from *development agreement* approval. The development standards as approved through a *development agreement* shall apply to and govern the development of the property subject to the *development agreement* in lieu of any conflicting or different standards or requirements elsewhere in this code. [Ord. 12-0347 § 1 (Att. A).]

18.110.040

Enforceability.

The *development agreement* shall be binding on the parties and their successors. Unless amended or terminated by agreement of both parties to a *development agreement*, the agreement is enforceable during its term by a party to the agreement. Except as provided in KMC 18.110.020(H), a *development agreement* and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The *development agreement* shall not be subject to an amendment to a *development regulation* or a new *development regulation* adopted after the effective date of the agreement, except as provided in KMC 18.110.020(H). Applications for building permits and other permits subject to KMC Title 15, Buildings and Construction, shall be considered under the provisions of KMC Title 15 that are in effect at the time of submittal of a valid and fully complete application. Any land use decision issued by the *City* pertaining to the property subject to the *development agreement* after the execution of the *development agreement* must be consistent with the agreement. [Ord. 12-0347 § 1 (Att. A).]

18.110.050**Processing procedure.**

A. An application for a *development agreement* shall be filed by the *owner* of real property within the *City* on forms provided by the *department*. An application shall be accompanied by an application fee pursuant to the *City's* current fee schedule and a signed agreement on forms provided by the *department* to reimburse the *City* for fees of the city attorney pursuant to the *City's* current agreement with the city attorney. The *development agreement* may provide for assignment of a portion of the application fee to other permit fees if a *development agreement* is ultimately approved by the city council.

B. The city council shall make a threshold decision on each application for a *development agreement* at a regular meeting of the city council. If a majority of the whole council approves further review of the *development agreement*, the agreement shall be processed as described in this section.

C. Before voting on a proposed *development agreement*, the city council shall hold a public hearing on the *development agreement*. Consistent with KMC 18.110.030(B), two public hearings shall be held on the *development agreement* if deviations from the *uses*, residential densities, *floor area ratio* limitations, or maximum *structure* height allowed in the underlying zoning district or through property-specific development standards or special district overlay requirements, are requested. The city council shall approve, disapprove or modify a *development agreement* by ordinance, which if approved or modified shall authorize the *city manager* to execute the *development agreement* on behalf of the *City*. Approval of a *development agreement* requesting deviations from the *uses*, residential densities, *floor area ratio* limitations, or maximum *structure* height allowed in the underlying zoning district or through property-specific development standards or special district overlay requirements, requires the vote of a majority plus one of the whole city council.

D. The *city manager* shall prepare a recommendation to the city council on a proposed *development agreement*. The *city manager* shall provide the recommendation to the city council, and make it available to the public, at least 10 calendar days prior to the public hearing on the proposed *development agreement*.

E. If a *development agreement* is associated with a Type V land use decision such as a comprehensive plan amendment, the *development agreement* shall be processed concurrently with the Type V land use decision. A recommendation of the planning commission to the city council on the Type V land use decision shall be issued at least 10 calendar days prior to the public hearing on the proposed *development agreement*.

F. If the *owner* files an application for a Type 2, 3 or 4 land use decision or a Type 1 land use decision subject to SEPA, the *City* shall review and process the application concurrently with the *development agreement*, and the *owner* shall sign a written waiver of the deadline for issuance of the final land use decision. A final decision of the *city manager* or *hearing examiner* on such types of land use decisions shall become effective on the date that the city council passes the ordinance for the *development agreement*. The period for appealing such final decision shall commence on the date that the city council passes such ordinance. A recommendation of the *city manager* or *hearing examiner* to the city council on such types of land use decisions shall be issued at least 10 calendar days prior to the public hearing on the proposed *development agreement*.

G. The *City* shall give notice of the meeting at which the city council considers a proposed *development agreement*, or amendment thereto, and of the public hearing(s) on the proposed *development agreement*, or amendment thereto, as follows:

1. Not less than 10 calendar days prior to the public hearing date, a notice of the public hearing shall be sent to property owners within 1,000 feet of the property subject to the *development agreement* and to others who have submitted comments and/or requested notice.

2. Notice of the public hearing shall be posted on the property subject to the *development agreement* not less than 10 calendar days prior to the hearing date. Notice shall be posted in the manner required by KMC 19.25.065.

3. Notice of the city council meeting and public hearing shall be published in the *City's* official newspaper not less than 10 calendar days prior to the meeting or hearing date.

4. All costs associated with the public notice shall be borne by the *owner*.

5. All notices shall state that the *city manager's* recommendation on the proposed *development agreement* is available for review at the front desk of City Hall and on the *City's* website.

H. Any subsequent land use decisions shall be reviewed for compliance with the terms of the *development agreement* and any associated land use decisions. [Ord. 12-0347 § 1 (Att. A).]

18.110.060

Status, recording and amendment of development agreement.

A. *Development agreements* are not "project permit applications" as defined in RCW 36.70B.020(4). Therefore, there is no deadline for processing a *development agreement*.

B. The city attorney shall review and approve a proposed *development agreement* as to form at least 30 calendar days prior to the public hearing on the *development agreement*. The *owner* shall sign the *development agreement* before the public hearing on the *development agreement*. If a person or corporation has a "substantial beneficial interest in the property" as specifically described below, the *owner* shall submit to the *city manager* with the request for *development agreement* a document stating that such person or corporation concurs in the request and will not object to, contest or appeal any terms and conditions of the approved *development agreement*. A person or corporation having a "substantial beneficial interest in the property" shall include easement holders, lessees with a lease of one year or more, and persons or corporations with a recorded deed of trust or mortgage on the real property subject to the *development agreement*. The *city manager* shall have the authority to determine whether other persons or corporations with an interest in the real property subject to the *development agreement* have a "substantial beneficial interest in the property." Within 20 calendar days of receiving written notice that the *city manager* has determined that other persons or corporations have a "substantial beneficial interest in the property," the *owner* shall submit to the *city manager* the document described above for each such person or corporation.

C. The term of *development agreements* and extensions thereof shall be as follows:

1. *Development agreements* may be approved for a maximum period of 20 years.

2. In determining the appropriate term for a *development agreement*, the city council should consider the type, size and location of *development* and phasing if proposed. The city council may consider shorter terms with extensions.

3. If extensions are authorized in a *development agreement*, the *owner* must request the extension at least 90 calendar days prior to expiration of the term or any extension. For *development agreements* associated with land use decisions, the *city manager* may grant an extension for up to five years if the *owner* can satisfactorily show that, for a residential project, at least 50 percent of the residential units are constructed, or for nonresidential and mixed use projects, at least 50 percent of the gross floor area is constructed. All other requests for extensions shall be reviewed by the city council, unless another process is expressly provided for in the *development agreement*.

D. The City shall record an approved *development agreement* with the King County recorder's office, at the cost of the *owner*.

E. The *owner* may request an amendment to a *development agreement*. Before voting on the amendment, the city council shall hold a public hearing. The city council shall approve, disapprove or modify an amendment by ordinance, which if approved or modified, shall authorize the *city manager* to execute the amendment on behalf of the *City*. The city council shall not approve or modify an amendment unless it is consistent with any associated land use decisions and approved modifications thereto. [Ord. 12-0347 § 1 (Att. A).]

Attachment 3

Recommended Changes to Comprehensive Plan Language related to the Regional Business Zone

 = Proposed amendments

Land Use Element (last amended December 2009)

When comparing existing land use and the Kenmore Land Use Plan, the future development pattern would show:

- Phasing out of **Heavy Manufacturing and Industrial Uses** in favor of **Mixed Uses (commercial and residential) and Light Manufacturing**. **Heavy manufacturing and industrial** uses would be phased out over time through market forces, and mixed uses **and light manufacturing** would replace them.

Policy LU-2.1.2 Implement a range of residential, commercial, and public land use classifications.

- Table of Districts and Densities. Utilize the following table to establish land use districts and basic and maximum densities allowed in the City.

LAND USE/ZONE DISTRICT	BASE DENSITY/ MAXIMUM DENSITY WITH BONUS
Residential 1 Dwelling Unit Per Acre (R-1)	1 (4) ¹
Residential 4 Dwelling Units Per Acre (R-4)	4 (6)
Residential 6 Dwelling Units Per Acre (R-6)	6 (9)
Residential 8 Dwelling Units Per Acre (R-8)	8 (12)
Residential 12 Dwelling Units Per Acre (R-12)	12 (18)
Residential 18 Dwelling Units Per Acre (R-18)	18 (27)

¹ In the R-1 zone, the base density of 1 unit per acre may be transferred onsite to less constrained property. The bonus indicated in parentheses may only be transferred off-site to a density receiving area such as the Downtown. Bonus criteria are subject to requirements of the Kenmore Municipal Code.

LAND USE/ZONE DISTRICT	BASE DENSITY/ MAXIMUM DENSITY WITH BONUS
Residential 24 Dwelling Units Per Acre (R-24)	24 (36)
Downtown Residential	48 to 72 (72)
Neighborhood Business (NB)	8 (12)
Community Business (CB)	24 (36)
<u>Waterfront Commercial (WC)</u>	<u>48 (72)</u>
<u>Urban Corridor (UC)</u>	<u>48 (72)</u>
Regional Business (RB)	36 (48) <u>48 (72)</u>
Downtown Commercial	48 to 72 (72)
Public and Private Facilities (PPF)	n/a
Special Study Area	Special District

b. District Descriptions. Utilize the following purpose statements to distinguish the land use districts.

- Waterfront Commercial: The purpose of the Waterfront Commercial District is to focus on existing water-dependent uses, but also to allow eating and drinking places, temporary lodging and other uses to support marina and airport development. Compatible light manufacturing would be appropriate. Office and mixed use multifamily development are desirable for the future.
- Urban Corridor: The Urban Corridor District is located along SR-522. The overall vision is to convert the area on the south side of the highway from a commercial strip corridor to an area of primarily office and multifamily development, taking advantage of lake views and proximity to transit.

On the north side of the highway, west of downtown, the area would continue to be a mix of restaurant, retail and service uses, with additional opportunities for office and mixed use multifamily development.

East of downtown, portions of the district (nearest the transit center) would be an enterprise zone, allowing for a wide range of commercial uses, including bulk retail, as well as standalone multifamily development. Farther to the east, near the city limits, office and multifamily uses are envisioned.

New auto-oriented businesses would be prohibited throughout the district.

- **Regional Business:** The purposes of the Regional Business District include to provide for the broadest mix of ~~comparison~~ retail, ~~office~~, wholesale, ~~and service and recreation/cultural~~ uses, with compatible storage and ~~fabrication~~ light manufacturing uses, serving regional market areas and offering significant employment opportunities. These purposes are accomplished by supporting existing businesses, while encouraging compact and mixed-use development that is supportive of transit and pedestrian travel for the future, allowing for regional shopping areas and limited fabrication uses, and concentrating large-scale commercial and office uses are to facilitate the efficient provision of public facilities and services. Industrial and heavy manufacturing uses are no longer appropriate in this district.
- **Special Study Area – Plywood Supply:** The City has designated the Plywood Supply property south of NE 175th Street as a Special Study Area while the City works with property owners to complete a master plan that will guide the development of the property. In order to allow the master planning process to proceed, the property will retain its underlying RB designation for comprehensive planning purposes while development of that master plan is proceeding.

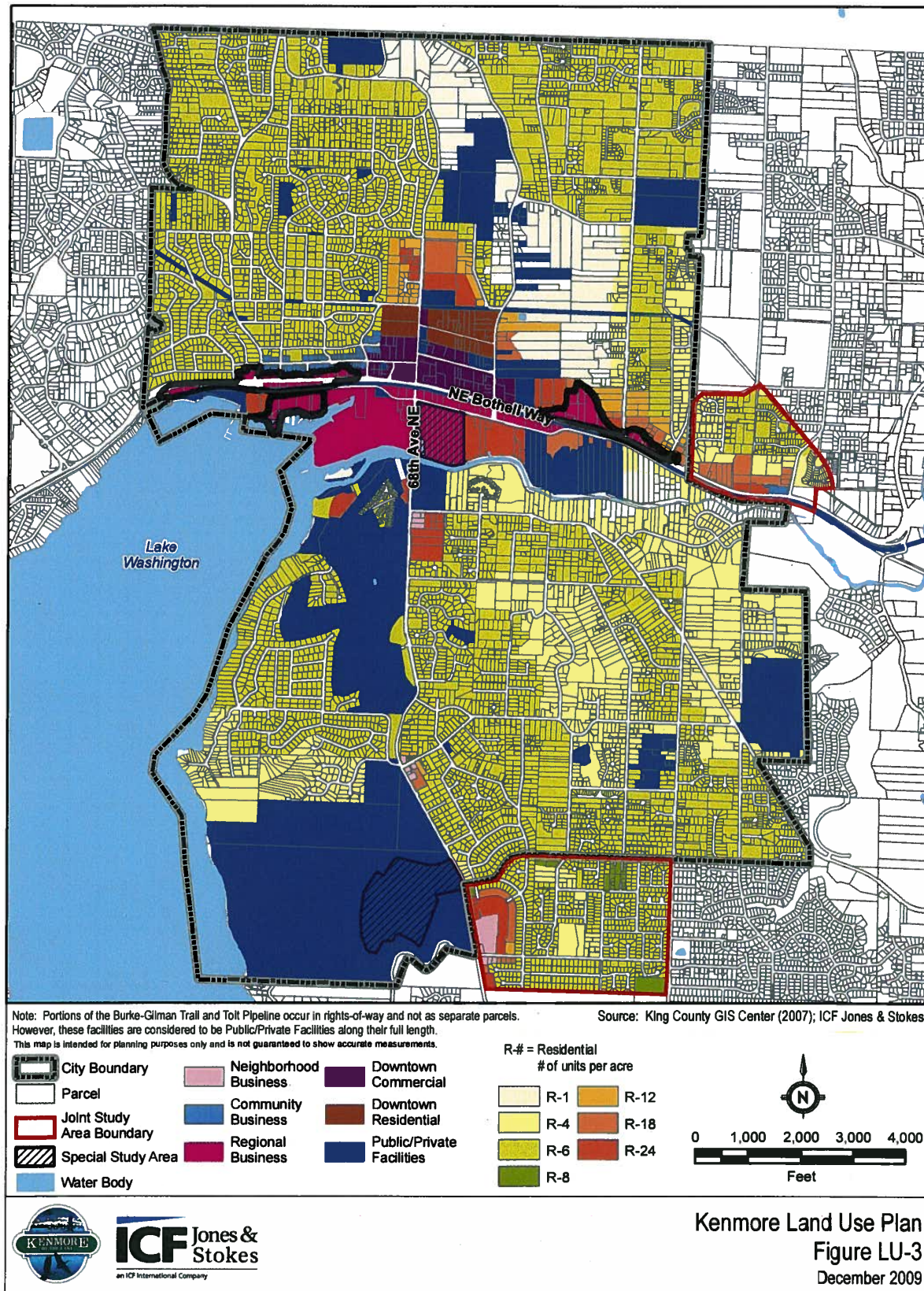
Policy LU-2.2.2 Review existing P-suffix conditions on properties for inclusion into the City's development regulations as follows: a) If P-suffix conditions are adequately covered in existing code or if they conflict with the Comprehensive Plan, they should be deleted; b) If P-suffix conditions implement policies in the Comprehensive Plan, then regulations should be developed and P-suffix conditions should be deleted. To provide flexibility as times and development conditions change, address possible amendments to the P-suffix and special district overlay requirements through the development agreement process. If development standards are modified or eliminated, offsetting public benefits must be provided.

Policy LU-2.3.2 Apply minimum density requirements to ~~all~~ residential and mixed-use zones of twelve or more homes per acre when consistent with the vision for a given zone.

Economic Development Sub-Element (last amended December 2008)

Eliminate the following policy:

Policy LU-2.5.2.4 Allow existing industrial developments to continue and make modest investment in their businesses until such time as market forces lead to commercial or mixed-use redevelopment opportunities.





The City of Kenmore

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

MEMO

TO: City Council
Rob Karlinsey, City Manager

FROM: Debbie Bent, Director of Planning & Community Development
Kris Overleese, City Engineer

DATE: October 10, 2014

SUBJECT: Comprehensive Plan: Transportation Element

Following the 10/7/14 Planning Commission Public Hearing on the proposed transportation element update, the Commission made a motion to move forward recommendations to Council. Attachment #1 includes the element text and Attachment #2 includes the goals, policies and objectives. The final ordinance will combine these materials. The Planning Commission will present recommendations to Council at a joint meeting on 10/28/14.

Overview of the Transportation Element:

The overall vision for Kenmore's Transportation Element is to provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth. Guidance from City staff, the Planning Commission, the Pedestrian & Bicycle Safety Ad Hoc Citizen Committee (Attachment #3 compares the Planning Commission recommendation and Ad Hoc committee recommendations), stakeholders, and citizens helped identify several priorities:

- Improve safety for all road users in Kenmore through street designs that accommodate all modes
- Provide connectivity to support local travel in Kenmore while allowing through trips to occur in a timely fashion
- Encourage placemaking and the creation of a vibrant, walkable identity for Kenmore's downtown

The Transportation Element sets a framework for understanding, prioritizing, measuring, and creating a transportation network to help Kenmore achieve its vision. The transportation element includes six chapters.

- **Chapter 1 – Introduction:**
Describes the purpose of the Transportation Element and the planning requirements it need to address. Also provides an overview of Kenmore's position in the region and the outreach activities that occurred as a part of this plan.
- **Chapter 2 – Conditions and Trends:**
Describes conditions for all travel modes in the existing transportation system. This

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chapter also identifies current challenges and trends that will affect Kenmore's transportation network in the future.

- **Chapter 3 – Transportation Vision and Goals:**
Explains Kenmore's vision for transportation and the goals that serve as the basis for the Transportation Element.
- **Chapter 4 – Future Transportation Vision:**
Introduces a layered network concept that forms the foundation of this plan to accommodate all modes of travel and create a complete transportation network in Kenmore. This section also details how to accommodate each travel mode and establishes the City's level of service standards.
- **Chapter 5 – Near Term and Long Term Capital Plans:**
Provides near-term and long-range project lists based on the community values expressed in the transportation goals and layered network.
- **Chapter 6 – Implementing the Transportation Element:**
Evaluates Kenmore's financial conditions over the next 20 years and provides guidance on plan implementation. The project list represents a balance of safety, maintenance and operational improvements. The projects on the six year project list were identified as high priority projects. However, the Council will need to determine which projects can move forward based on available funding during discussion of the capital budget.

Primary Changes from 2008 Transportation Element Update:

- **Layered Network Approach:** Application of the layered network, which take a more holistic approach to street planning than the typical federal classifications, which formed the basis of the previous plan. The layered network recommends facilities like sidewalks, bike lanes, and on-street parking based on current and envisioned future street user priorities, adjacent land uses, and current demands for walking, biking, transit, and auto/freight travel.
- **Level of Service Standards:** Revised Level of Service (LOS) standard, which takes into account a driver's experience along a corridor (rather than at a single intersection or approach) and also incorporates multimodal considerations related to walking, biking, and taking transit.
- **Project List:** As a result of the revised LOS standard and more holistic approach to planning, the 20 year project list is both leaner and more multimodal, while still focused on providing mobility for all.

Attachments

Attachment 1: Transportation Element

Attachment 2: Goals, policies and objectives

Attachment 3: Comparison table of Planning Commission recommendations and recommendations of the Ad-Hoc Committee



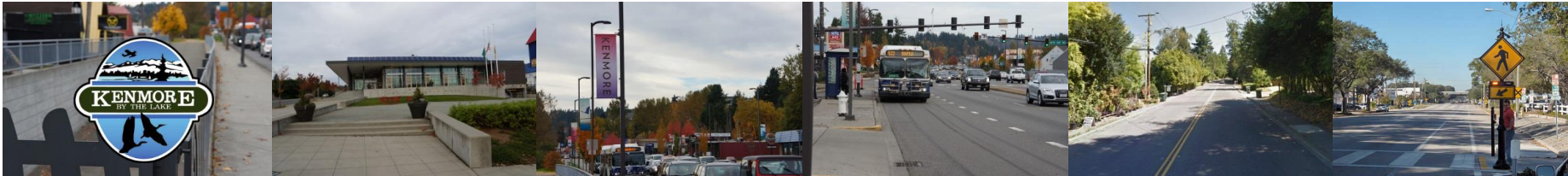
Prepared by
FEHR PEERS

1001 - 4th Avenue
Suite 4120
Seattle, WA 98154
206.576.4220



City of Kenmore Transportation Element

DRAFT - August 2014



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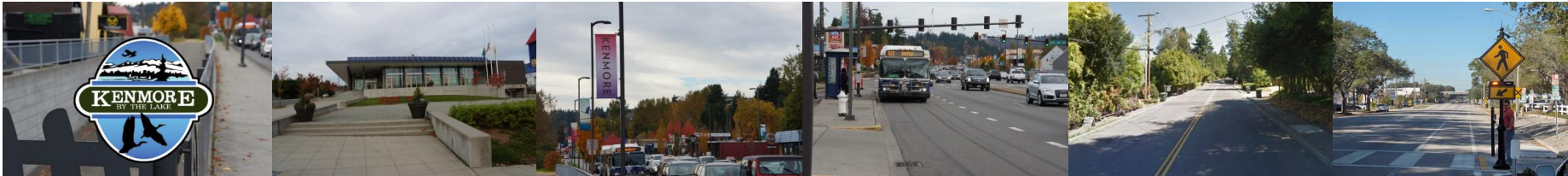
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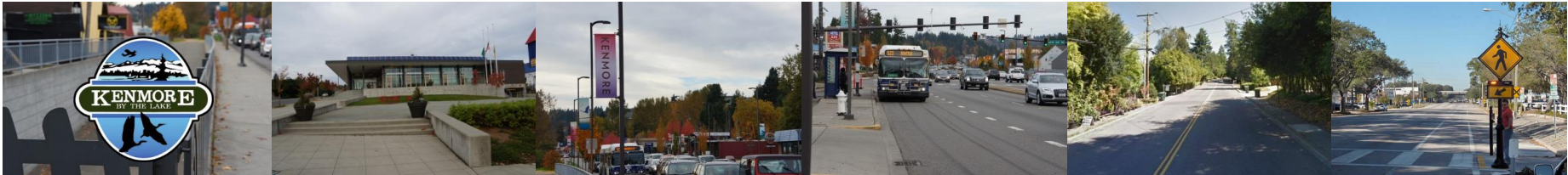
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EXECUTIVE SUMMARY

Since incorporating in 1998, the City of Kenmore has made strides toward becoming a vibrant community in which to live, work, and play. The new City Hall, Library, Fire Station, and the businesses and streetscape investments around them contribute toward a vibrant downtown that the City intends to strengthen. This Transportation Element aims to support travel by walking, biking, and riding transit, in addition to supporting adequate mobility when traveling by car in Kenmore through 2035.

The overall vision for Kenmore's Transportation Element is to provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth. Guidance from City staff, the Planning Commission, the Pedestrian & Bicycle Safety Ad Hoc Citizen Committee, stakeholders, and citizens helped identify several priorities:

- Improve safety for all road users in Kenmore through street designs that accommodate all modes
- Provide connectivity to support local travel in Kenmore while allowing through trips to occur in a timely fashion
- Encourage placemaking and the creation of a vibrant, walkable identity for Kenmore's downtown

The Transportation Element sets a framework for understanding, prioritizing, measuring, and creating a transportation network to help Kenmore achieve its vision. This document includes six chapters:

- **Chapter 1 – Introduction:**
Describes the purpose of the Transportation Element and the planning requirements it need to address. Also provides an overview of Kenmore's position in the region and the outreach activities that occurred as a part of this plan.
- **Chapter 2 – Conditions and Trends:**
Describes conditions for all travel modes in the existing transportation system. This chapter also identifies current challenges and trends that will affect Kenmore's transportation network in the future.
- **Chapter 3 – Transportation Vision and Goals:**
Explains Kenmore's vision for transportation and the goals that serve as the basis for the Transportation Element.
- **Chapter 4 – Future Transportation Vision:**
Introduces a layered network concept that forms the foundation of this plan to accommodate all modes of travel and create a complete transportation network in Kenmore. This section also details how to accommodate each travel mode and establishes the City's level of service standards.
- **Chapter 5 – Near Term and Long Term Capital Plans:**
Provides near-term and long-range project lists based on the community values expressed in the transportation goals and layered network.
- **Chapter 6 – Implementing the Transportation Element:**
Evaluates Kenmore's financial conditions over the next 20 years and provides guidance on plan implementation.

To serve as a useful document for community, including both City staff and the general public, this Transportation Element focuses on the City's vision and the projects and programs intended to meet that vision. Technical and supporting information are available in technical appendices.



CHAPTER 1: INTRODUCTION

Since incorporating in 1998, the City of Kenmore has made strides toward becoming a vibrant community in which to live, work, and play. The new City Hall, Library, Fire Station, and the businesses and streetscape investments around them contribute toward a vibrant downtown that the City intends to strengthen. This Transportation Element aims to support travel by walking, biking, and riding transit, in addition to supporting adequate mobility when traveling by car in Kenmore through 2035.

PURPOSE

The overall vision for Kenmore's Transportation Element is to provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth. Guidance from City staff, the Planning Commission, the Pedestrian & Bicycle Safety Ad Hoc Citizen Committee, stakeholders, and citizens helped identify several priorities:

- Improve safety for all road users in Kenmore through street designs that accommodate all modes
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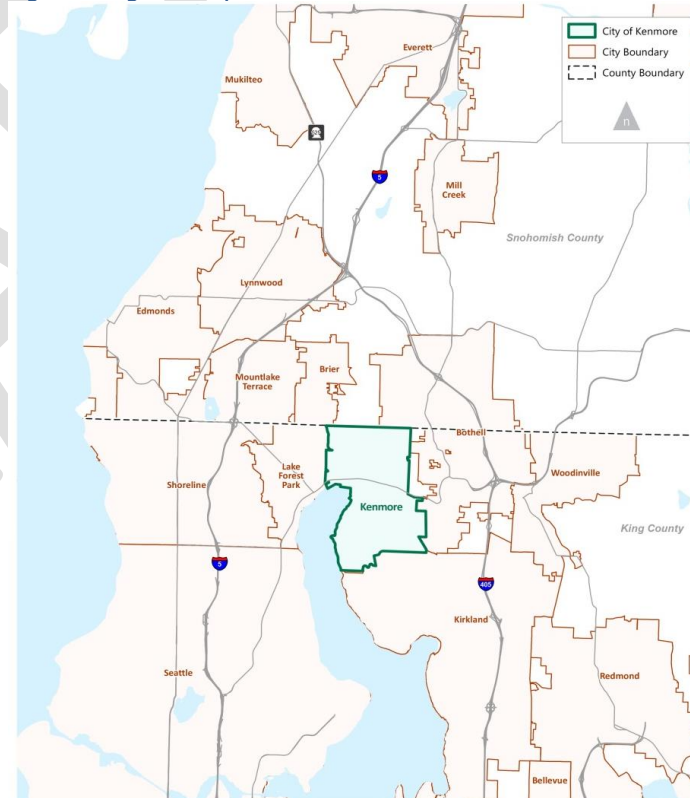
The Transportation Element sets a framework for understanding, prioritizing, measuring, and creating a transportation network to help Kenmore achieve its vision.

PLANNING REQUIREMENTS

Kenmore's regional setting is important. Nestled on the north shore of Lake Washington, the City forms the northern edge of King County and is bisected by State Route 522 (SR 522), a Highway of Statewide Significance. Given this strategic location, transportation conditions in the City are strongly influenced by pass-through traffic connecting between Seattle and east side cities, as well as growth in Snohomish County. The Kenmore Air Harbor provides connections to additional regional destinations, such as the Olympic Peninsula, the San Juan Islands, and

British Columbia. The City must coordinate its transportation planning with a variety of jurisdictions, including King County, the Puget Sound Regional Council (PSRC), and the State of Washington. **Figure 1** shows the location of Kenmore in this regional setting.

Figure 1: Regional Map





GMA

The State's Growth Management Act of 1990 requires communities to prepare a transportation plan that ties directly to the City's land use decisions and financial planning. This Transportation Element Update fulfills the mandate.

In addition to this state act, the Washington State Department of Transportation (WSDOT) controls SR 522, which runs east-west through Kenmore. As such, this plan aims to coordinate with WSDOT and other neighboring communities to ensure that SR 522 and all of Kenmore's streets serve local as well as regional travel needs.

OTHER PLANS

The Puget Sound Regional Council (PSRC) is the region's metropolitan planning organization made up of cities, towns, counties, ports, tribes, transit agencies, and major employers. PSRC has set policy for King, Pierce, Snohomish, and Kitsap Counties through Vision 2040, which lays out the long term goals for growth management, economic, and transportation issues.

Vision 2040 identifies several key goals for transportation in the region:

- **Maintenance, Management, and Safety** – Maintain, preserve, and operate the existing transportation system in a safe and usable state.
- **Support the Growth Strategy** – Support the regional growth strategy by focusing on connecting centers with a highly efficient multimodal transportation network.
- **Greater Options, Mobility, and Access** – Invest in transportation systems that offer greater options, mobility, and access in support of the regional growth strategy.

This Transportation Element is consistent with the Vision 2040 priorities.

ROLE OF THE TRANSPORTATION ELEMENT

The Transportation Element serves both as a functional plan to guide the City's transportation investments and as the overarching framework for transportation in Kenmore's Comprehensive Plan. The document also ensures coordination with the City's Land Use Element and other major planning efforts, including improvements along Juanita Drive and SR 522.

In essence, the Transportation Element informs the development of the Capital Improvement Program by identifying the types of projects the City should undertake to support future travel trends. The plan also evaluates how these projects coincide with the community's values and financial resources.

PUBLIC OUTREACH

This plan included public outreach through workshops and committee meetings. The City held an open public workshop in May 2014 to gain insight on how Kenmore citizens would like to prioritize transportation for the next 20 years. City staff and the consultant team met with City Council, the Planning Commission, and the Pedestrian & Bicycle Safety Ad Hoc Citizen Committee throughout the course of the planning effort.

REGIONAL COORDINATION

As part of the planning process the City reached out to other agencies and government bodies that have an interest in or influence on transportation in Kenmore. Groups that the City has met with include:

- Neighboring cities and counties
- Transit providers in the region
- Schools and senior centers

The City is also coordinating relevant planning efforts with Bothell and Kirkland to ensure a smooth transition on facilities that cross jurisdictional boundaries.

PLAN ORGANIZATION

This Transportation Element includes five chapters in addition to the Introduction (**Chapter 1**):

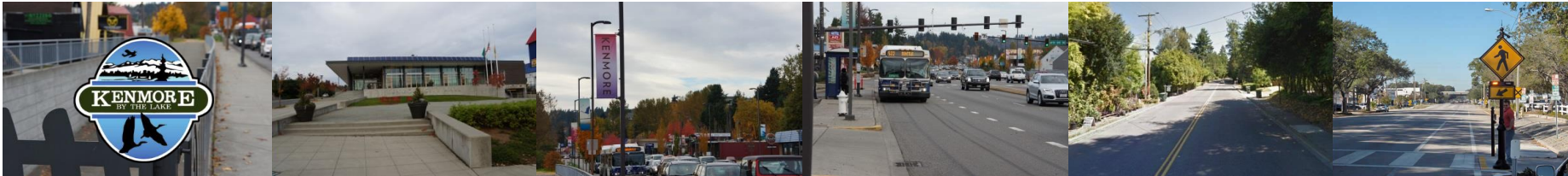
- **Chapter 2 – Conditions and Trends:**
Describes conditions for all travel modes in the existing transportation system. This chapter also identifies current challenges and trends that will affect Kenmore's transportation network in the future.
- **Chapter 3 – Transportation Vision and Goals:**
Explains Kenmore's vision for transportation and the goals that serve as the basis for the Transportation Element.
- **Chapter 4 – Future Transportation Vision:**
Introduces a layered network concept that forms the foundation of this



plan to accommodate all modes of travel and create a complete transportation network in Kenmore. This section also details how to accommodate each travel mode and establishes the City's level of service standards.

- **Chapter 5 – Near Term and Long Term Capital Plans:**
Provides near-term and long-range project lists based on the community values expressed in the transportation goals and layered network.
- **Chapter 6 – Implementing the Transportation Element:**
Evaluates Kenmore's financial conditions over the next 20 years and provides guidance on plan implementation.





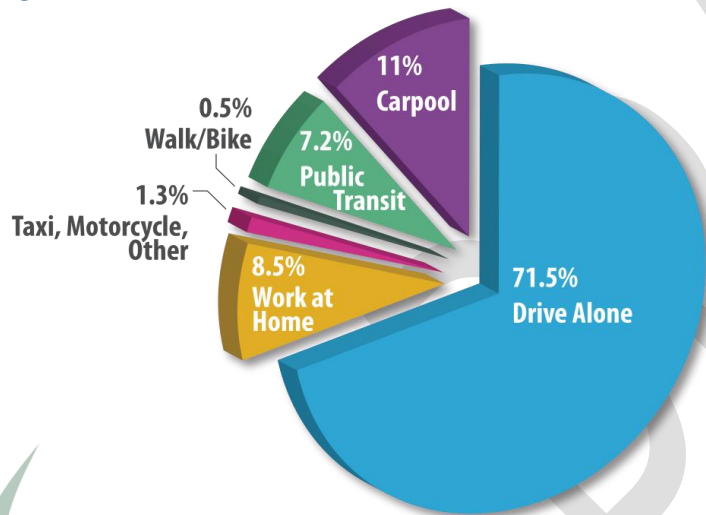
CHAPTER 2: CONDITIONS AND TRENDS

EXISTING CONDITIONS

TRANSPORTATION NETWORK OVERVIEW

Kenmore’s transportation network accommodates many modes of travel, including walking, bicycling, public transit, driving, and flying. Vehicular travel is still the primary choice for many travelers in and around Kenmore, as shown in the Census journey-to-work data (see **Figure 2**). City streets form the backbone of the transportation framework with roadways shaping how residents and visitors experience Kenmore.

Figure 2: Commute Mode to Work



The City of Kenmore currently classifies its roadways into principal arterials, minor arterials, collectors, and local streets, as shown in **Table 1** and displayed in **Figure 3**. Examples of each roadway type and the intended uses served are described below.

Table 1: Functional Classification of Roadways

Roadway Type	Description / Purpose	Example
Principal Arterial	A roadway that serves through trips and connects Kenmore with the rest of the area.	SR 522 Simonds Road NE
Minor Arterial	Minor arterial streets provide inter-neighborhood connections and serve both local and through trips.	73rd Avenue NE Juanita Drive NE
Collectors	Collectors distribute trips between local streets and arterials and serve as transition roadways to or from residential areas.	84th Avenue NE NE 153rd Place
Local	Local streets provide circulation and access within residential neighborhoods.	64th Avenue NE NE 150th Street

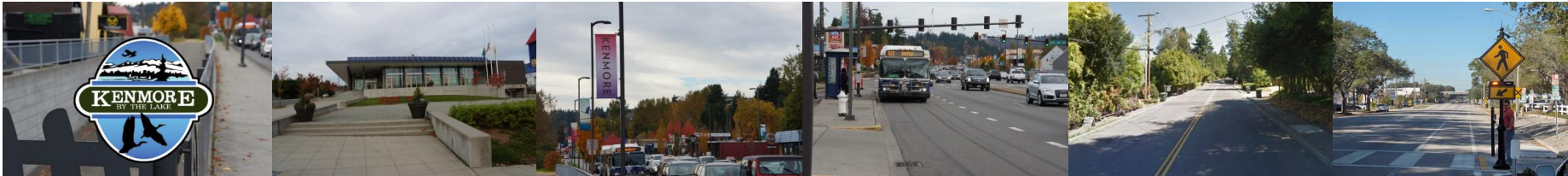
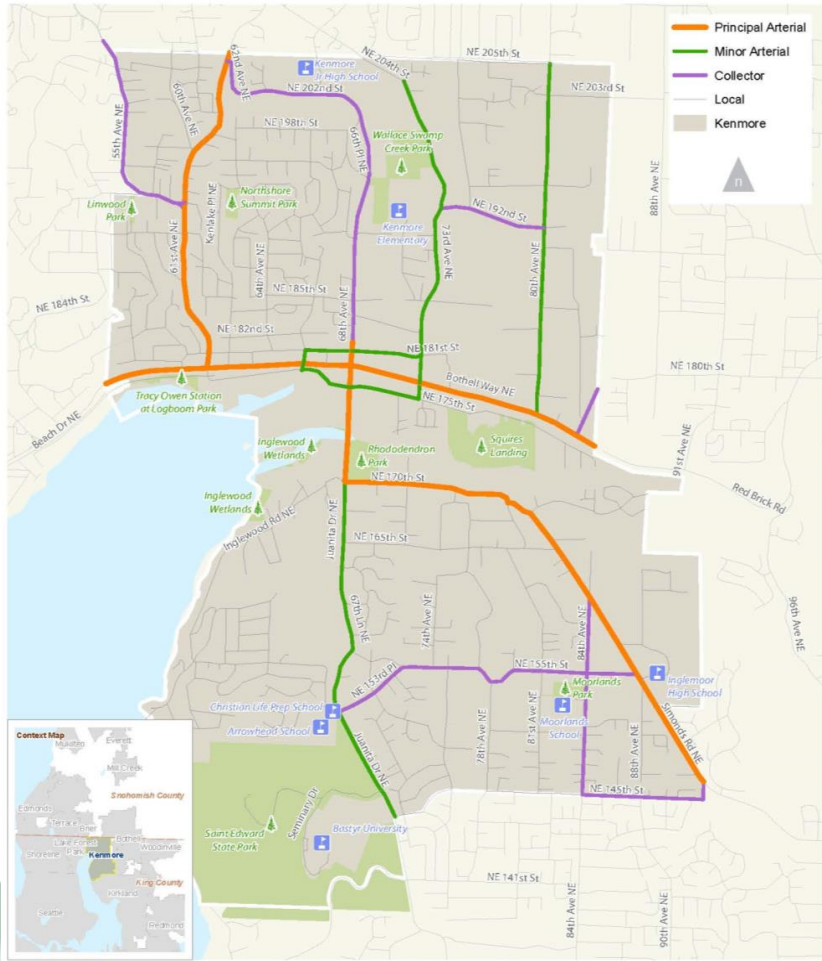
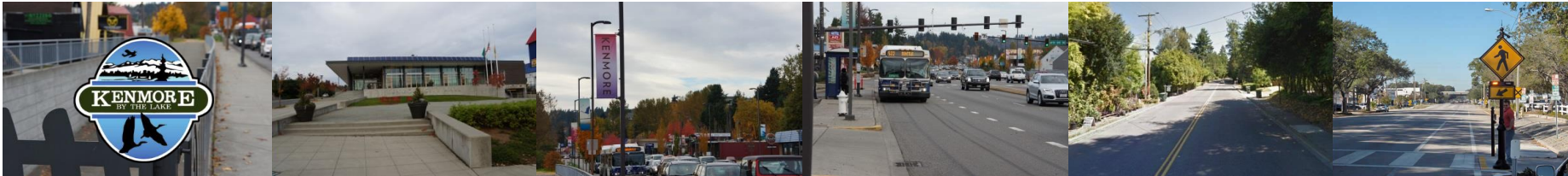


Figure 3: Roadway Network





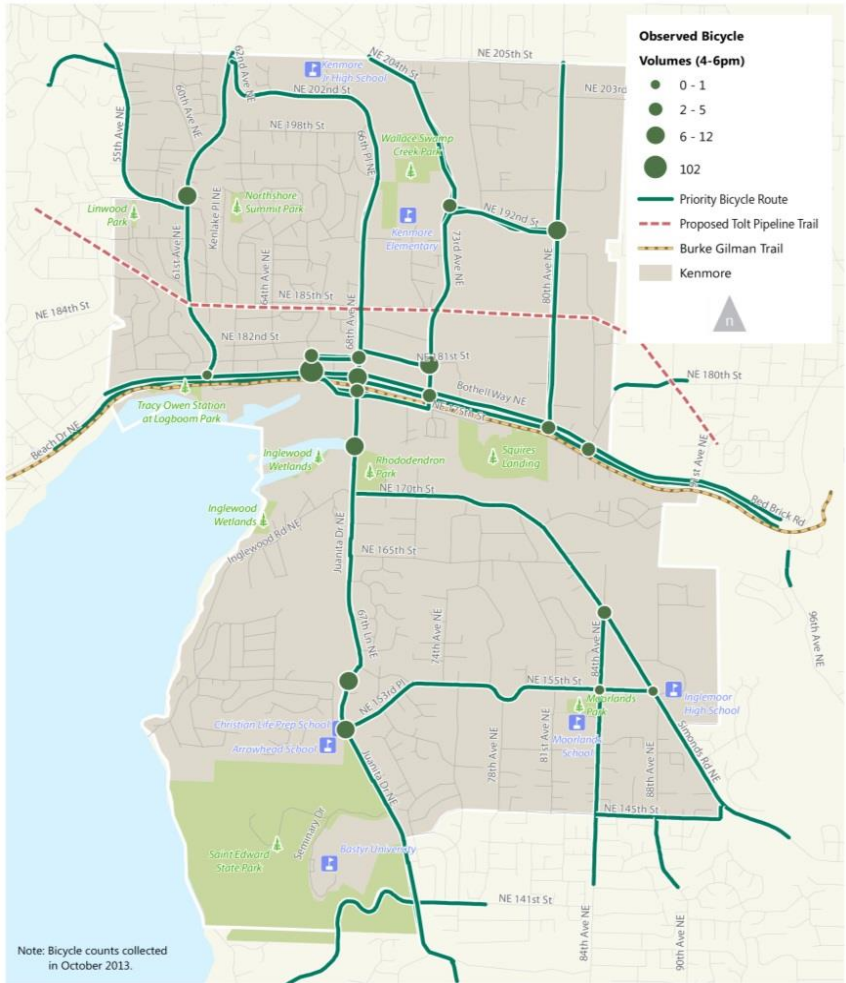


Kenmore hosts a section of the Burke-Gilman Trail, a regional multi-use trail that connects residents to Seattle and other area cities. However, for many Kenmore residents, connecting from home to the Burke-Gilman Trail or other non-motorized facilities can be challenging due to the topography and curvilinear streets in parts of the city. State Route 522 and 68th Avenue NE / Juanita Drive NE create additional barriers to bicycling in Kenmore due to their high traffic volumes and difficult crossings. **Figure 6** presents Kenmore's existing bicycle network as identified in the 2008 Transportation Element, as well as the number of cyclists counted at key locations in fall 2013.



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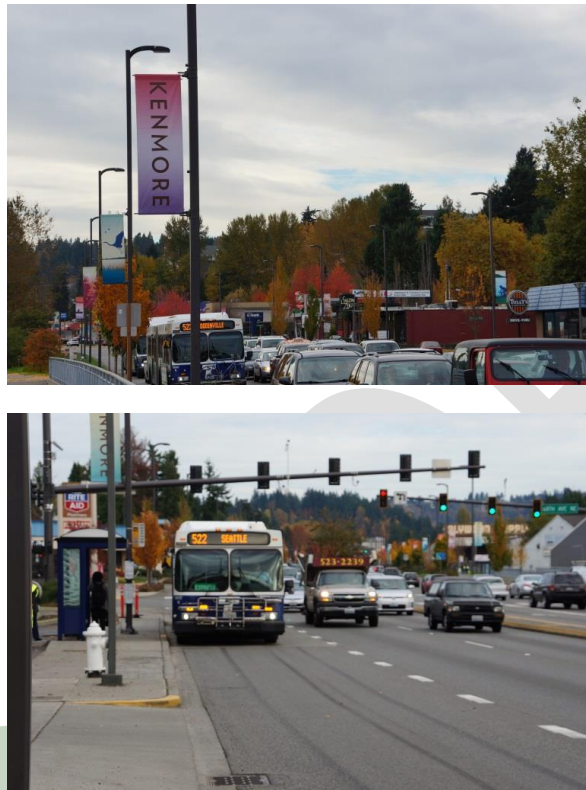
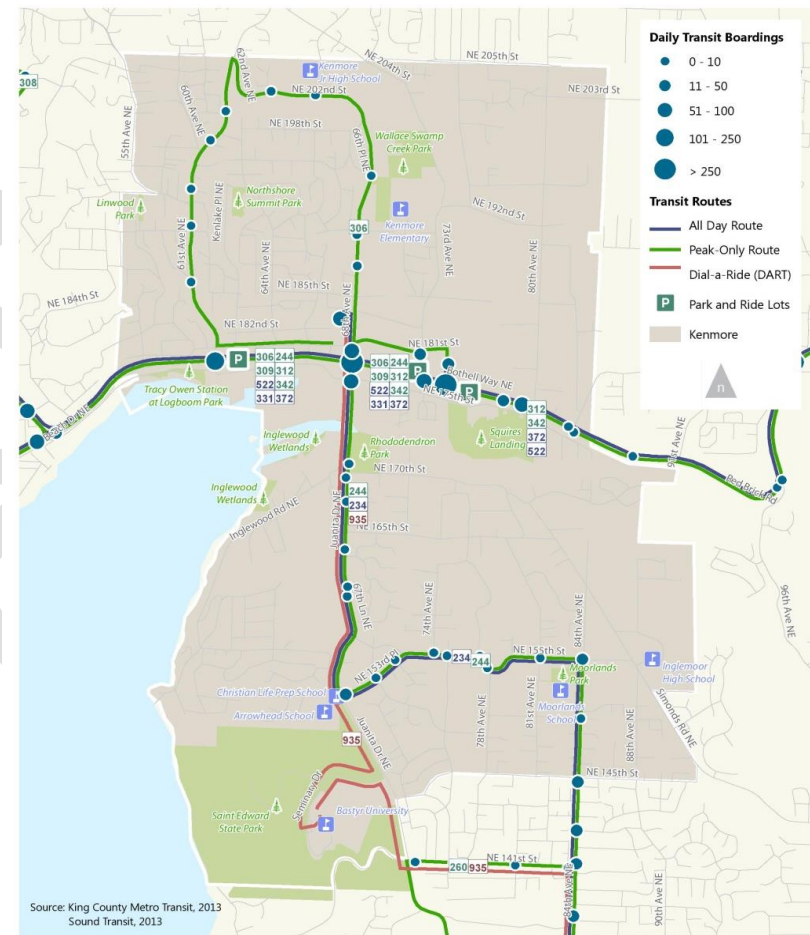
Figure 6: Existing Bicycle Routes and Volumes

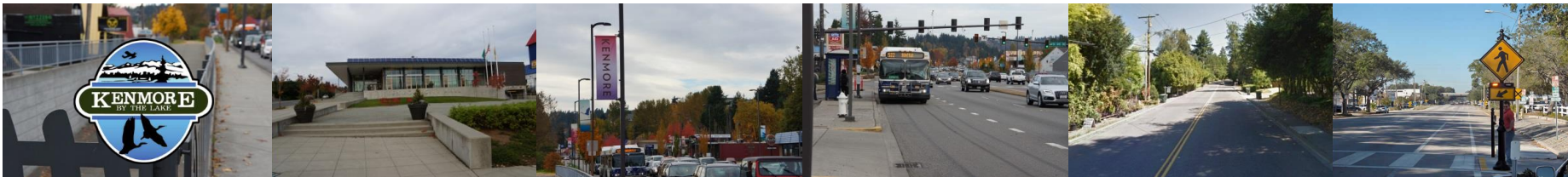




Many Kenmore residents and employees use public transit for trips around and outside of the City. Public transit in Kenmore consists of fixed-route and dial-a-ride bus service provided by King County Metro and Sound Transit. The Northshore Senior Center also provides door-to-door shuttle service to many of its patrons. The potential King County Metro service cuts are a particular concern to the Kenmore community, as these will likely affect the level of public transit service provided in the City. **Figure 7** provides further information about the twelve transit routes serving Kenmore including where these routes are located as well as boardings and alightings at key stop locations.

Figure 7: Existing Transit Facilities and Ridership

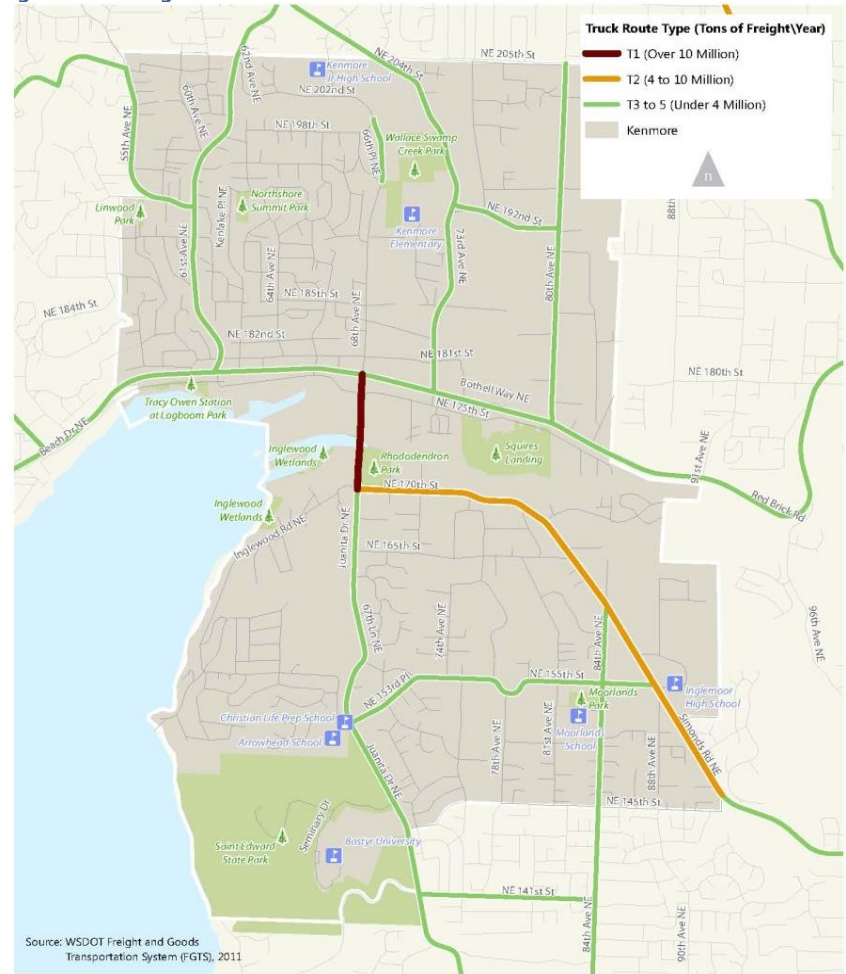


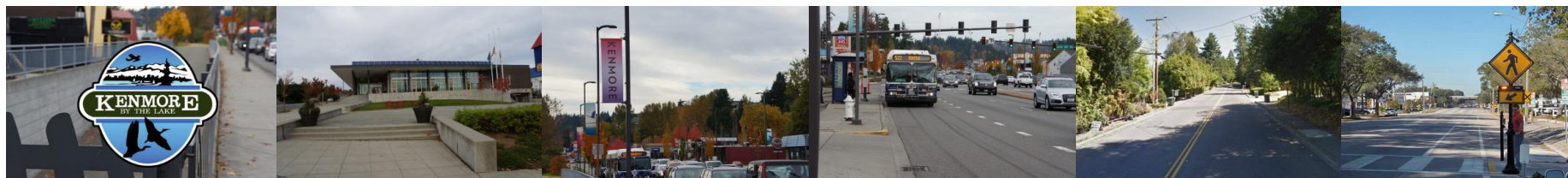


Goods movement in Kenmore runs predominantly along the City’s primary arterials of 68th Avenue, NE 170th Street, Simonds Road NE, and SR 522, as shown in **Figure 8**. Because 68th Avenue provides the only Sammamish River crossing option in Kenmore, this roadway plays a particularly important role in facilitating commerce. Beyond these primary routes, delivery vehicles use many other streets to reach their final destination. For example, NE 175th Street sees a fair amount of freight traffic due to the nature of the surrounding land uses it serves.



Figure 8: Existing Truck Routes





Most Kenmore residents (about 80%) choose motor vehicles as their primary mode of transportation to work. Moreover, many more non-resident travelers pass through the City on SR 522 / 68th Avenue / Juanita Drive / Simonds Road. Severe congestion during peak hours illustrates this issue with many intersections experiencing long delays (see **Figure 9**).

Analysis of Kenmore's congestion for motorists is based on the traffic counts collected in October 2013. To understand the level of congestion experienced during the evening commute, 19 intersections were evaluated based on their ability to accommodate PM peak hour demand in their existing configuration (number of lanes, traffic control, etc). Based on this analysis, intersections were scored into one of six level of service (LOS) categories that describe their operations in terms of vehicle delay. **Table 2** describes the Level of Service definitions laid out in Chapter 16 of the *Highway Capacity Manual* (HCM) (Transportation Research Board, 2000), which is the methodology currently applied to Kenmore's transportation network.

Table 2: Level of Service Definitions

Level of Service	Description
A	Free-flowing conditions.
B	Stable operating conditions.
C	Stable operating conditions, but individual motorists are affected by the interaction with other motorists.
D	High density of motorists, but stable flow.
E	Near-capacity operations, with speeds reduced to a low but uniform speed.
F	Over capacity, with delays.

The City's existing level of service policy sets the following standards for its roadways:

- Primary Arterials – LOS E or better
- Minor Arterials – LOS D or better
- Collectors – LOS C or better

It should be noted that as a highway of statewide significance, SR 522 is exempted from LOS standards.

Figure 9 shows weekday traffic volumes and **Figure 10** shows the calculated LOS at each of the 19 intersections. As the figures show, Kenmore's primary arterials see high traffic volumes and corresponding low levels of service. The traffic spillback that occurs at the intersection of SR 522 and Juanita Drive / 68th Avenue over the course of several signal cycles creates worse congestion than displayed in isolated intersection results. Field observation found nearly all intersections on SR 522 and some on 68th Avenue operating at LOS E or F. Detailed reports of LOS are available in **Appendix A**.



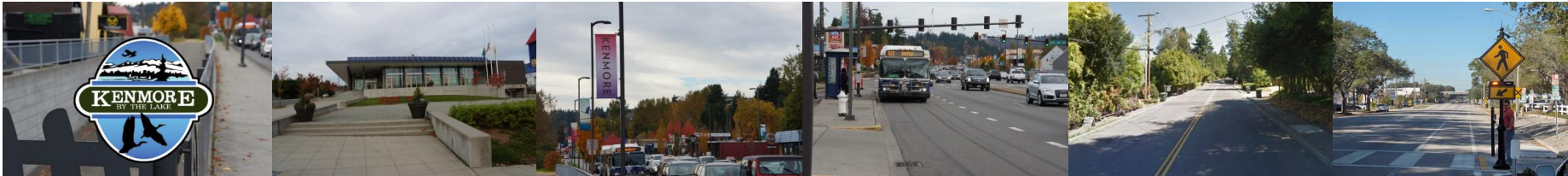


Figure 9: Auto Average Daily Volumes

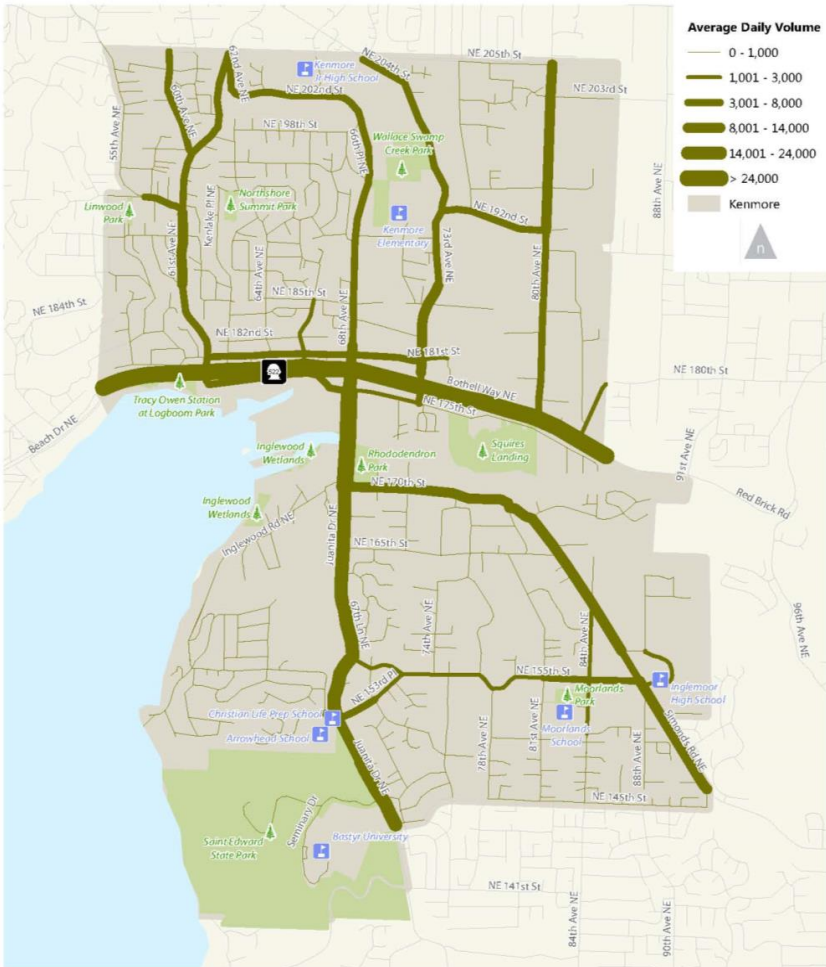
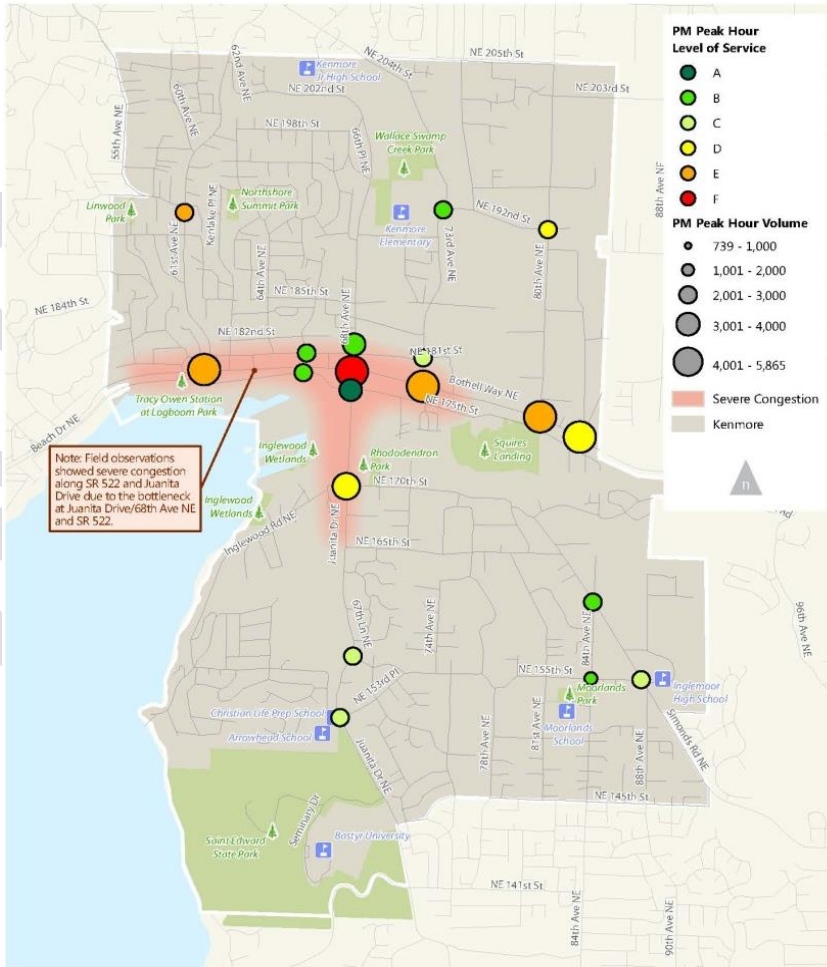


Figure 10: Auto LOS





CURRENT CHALLENGES AND OBSERVATIONS

The City of Kenmore has several important challenges to face as it prepares for future growth and the development of its downtown core. Motor vehicle travel dominates the City's transportation framework currently and many travelers view Kenmore as a "pass-through town." Kenmore is working to create a more vibrant downtown and addressing these transportation challenges will be a key to the City's success:

- Safety, especially for pedestrians and bicyclists
- Transit availability
- Limited north-south connectivity

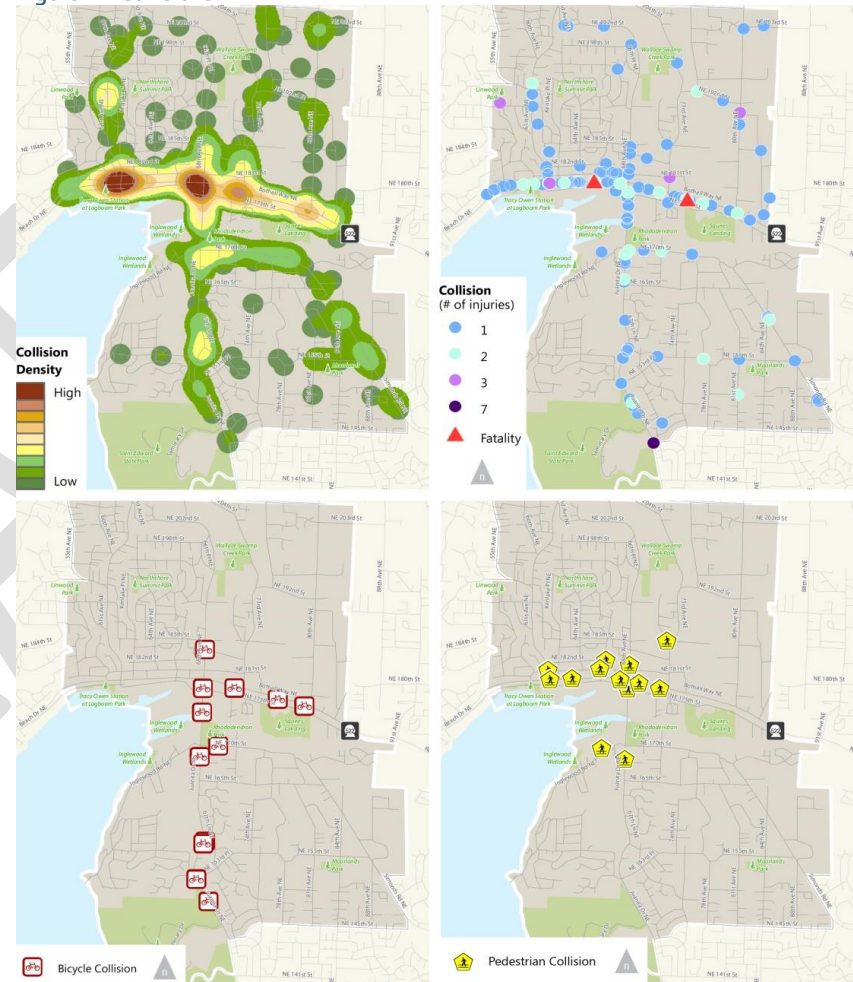
SAFE ROUTES FOR ALL, ESPECIALLY PEDESTRIANS AND BICYCLES

Since 2008, Kenmore has experienced nearly 200 traffic collisions per year. Of the 1,125 collisions in Kenmore from January 2008 to September 2013, 445 occurred on SR 522 and 206 occurred on the 68th Avenue / Juanita Drive corridor – 58 percent of the total city-wide.

Highlighting this issue, the period from fall 2013 to spring 2014 saw several deaths in crashes involving vehicles hitting pedestrians and bicyclists. **Figure 11** displays traffic crashes around the City over a five-year period spanning 2008-2013.



Figure 11: Collisions





Kenmore has made many pedestrian improvements in recent years as the City strives for a walkable downtown core. Sidewalk and crosswalk improvements along SR 522 have created a better environment for pedestrians moving around the City's commercial areas and connecting with public transit services or the Burke Gilman Trail. In 2014, the City has installed rectangular rapid flashing beacons (RRFBs) along Juanita Drive, 61st Avenue NE, as well as at other citywide arterial crossing locations.

The Burke-Gilman Trail provides a major bicycle route through Kenmore and is a major asset to the community for both transportation and recreational purposes. Creating safer and more attractive connections from neighborhoods to the trail will encourage residents to make more walking and biking trips and visitors to patronize local businesses near the trail. In July 2014, the City removed a travel lane on 61st Avenue and installed bike lanes to support north-south bicycle mobility and reduce conflicts with motor vehicles.

TRANSIT AVAILABILITY

Many people use public transit in Kenmore, as evidenced by ridership and park-and-ride occupancy levels. The potential King County Metro service cuts may hurt public transit as an attractive travel mode so the City should closely monitor these developments and advocate for its desire to maintain quality service. While Kenmore cannot control transit service levels, the City can strive to create a welcoming environment for transit.

LIMITED NORTH-SOUTH CONNECTIVITY

The 68th Avenue Bridge over the Sammamish River currently acts as one of Kenmore's biggest congested points for all roadway users. The narrow right of way limits motor vehicle throughput and the congestion levels make walking and bicycling unattractive options on the corridor. The intersection with SR 522 frequently backs up traffic for long stretches during peak hours.

Similarly, SR 522 serves as another major barrier to north-south connectivity. Its wide cross-section and limited number of signalized crossings affects all modes of travel, and pedestrians, in particular.

TRENDS

Aside from existing conditions and challenges, there are other factors that will affect Kenmore's transportation system. Growth in downtown Kenmore and throughout the region generally plays a role in how the City will plan the improvements to its transportation network for the future.

DOWNTOWN DEVELOPMENT

The City is reshaping its downtown area to become more vibrant and walkable. Future redevelopment will add mixed use projects to provide housing, dining, shopping, and other services in the downtown. These land uses will generate additional travel in the downtown area and, while many people will be able to walk or use public transit for these trips, the transportation network must be able to support this concentrated growth.

REGIONAL GROWTH

Regional development outside of the City itself is the other major aspect of growth affecting Kenmore by 2035. South Snohomish County, Bothell, and Woodinville are all expected to add substantial residents and jobs during this time period and many of them travel through Kenmore en route to other regional destinations. The toll on the SR 520 bridge and potential tolling on I-90 may also cause further congestion along SR 522 if drivers opt for the route around Lake Washington to avoid the toll.





KENMORE TRAVEL DEMAND FORECASTING

The Growth Management Act (GMA) requires that the Transportation Element supports the land uses envisioned in the Comprehensive Plan. Thus, an important component of the work was forecasting how the future land uses envisioned in the City, as well as regional growth, would influence demand on Kenmore's transportation network. A description of the travel demand modeling process is provided below with more detail about land use assumptions in **Appendix B**.

- The Tool.** As a part of the 2008 update, the City created a travel model with the Visum software package. This model forecasted traffic volumes during the evening commute hour (5-6pm) along many of Kenmore's key streets and intersections. This tool provides a reasonable foundation developing year 2035 forecasts, as the underlying land use assumptions have been updated to match the land use forecasts for the current Comprehensive Plan.
- Estimate Land Use Growth in the City.** As a part of the Comprehensive Plan update, the City is planning for expected growth in housing units and employment over the next 20 years through 2035. Based on growth estimates from the Puget Sound Regional Council (PSRC) and review by City staff, Kenmore is preparing for 3,820 new housing units and 3,220 new workers by 2035. The City then allocates the growth throughout Kenmore based on adopted zoning, observed development patterns, and other city policies.
- Capture Regional Growth Patterns.** Other communities throughout the region are going through this very same process, based on direction from PSRC. Since travel does not stop at a jurisdiction's borders, it is important to capture how regional growth could influence travel patterns on Kenmore's streets.
- Translating Land Uses into Trips.** The next step is evaluating how the City and regional growth assumptions described above translate into walking, biking, transit, and auto trips. The travel model represents the number of housing units and employees in spatial units called traffic analysis zones (TAZs). TAZs can be as small as a few street blocks to as large as an entire neighborhood. They provide a simplified means to represent trip making rather than modeling individual parcels. The travel model estimates trips generated from each TAZ (both inside and outside of the City) using established relationships between different land use types with trip making. These trips are then assigned onto the roadway network to estimate how much traffic would be on each street during the evening commute hour.
- Model Refinements.** The final step is refining the forecasts based on reality checks that the travel model may not capture. In this case, forecasts were refined to reflect the more walkable, urban characteristic planned for Kenmore's downtown, by recognizing that some short trips could be made by walking and biking, rather than driving. Moreover, travel patterns were refined to reflect existing driver preferences, including recognizing the relative attractiveness of the Simonds Road / 170th Corridor over Juanita Drive.



CHAPTER 3: TRANSPORTATION GOALS AND POLICIES

Kenmore has established six goals to accomplish its overall vision for transportation in the future. The consolidated set of goals, objectives, and policies are available as a standalone document in **Appendix C**. The goals establish overarching priorities that serve the vision of this Transportation Element while objectives and policies lay out specific actions.

- **Goal T-1:** Provide a complete transportation network that serves local and regional circulation needs and safely accommodates all users.

The City recognizes the importance of people being able to reach local destinations conveniently as well as travel to other parts of the region by walking, bicycling, riding transit, and driving. Safety of all road users is the highest priority for the transportation network and the City will evaluate safety for all modes when considering roadway projects that are part of the planned future transportation system.

- **Goal T-2:** Coordinate with local, regional, state, and federal agencies as well as non-governmental entities to develop and operate the transportation system.

The City of Kenmore is not the only body that has a stake in the future transportation system. Neighboring cities, King and Snohomish Counties, the State of Washington, and other agencies and organizations play a role in getting around Kenmore. The City of Kirkland has plans to improve safety along Juanita Drive and Kenmore is actively coordinating with Kirkland to support continuity along the corridor. Around the region, Kenmore is working with King County Metro and Sound Transit to support transit operations in the City. SR 522, Kenmore's primary east-west corridor, is operated by WSDOT and the City works with the department consistently to maintain travel conditions along the route. The City also works with local schools, advocacy groups, senior centers, and other organizations that have interests in transportation.

- **Goal T-3:** Promote a transportation system that is sustainable from both fiscal and environmental perspectives with participation from both the public and private sectors.

Kenmore values and supports its environment through taking both monetary and environmental cost into account when considering improvements to the

transportation network. The City leads the way by establishing plans and policies that support sustainability and expects other bodies from the public and private sectors to follow suit in pursuing these same interests.

- **Goal T-4:** Encourage public transportation, non-motorized travel, and other transportation strategies that reduce the need for automobile travel, especially by single-occupant vehicles (SOV).

While many Kenmore residents choose to travel by car for nearby trips and to go elsewhere, the City supports providing options for people to get around by more active transportation modes. By creating a safe and welcoming transportation system for all users, the City can support a vibrant downtown core that is accessible in several ways. Kenmore's geographic size makes walking, bicycling, and transit attractive options for getting around with proper facilities in place.

- **Goal T-5:** Maintain the availability of safe air travel services in Kenmore.

The Kenmore Air Harbor is an important employer and provider of regional transportation services. Any future improvements to the City's transportation network will recognize the role of the Air Harbor and be planned accordingly.

- **Goal T-6:** Provide a transportation system that facilitates freight mobility and economic prosperity.

In addition to moving people around Kenmore, the City also recognizes the importance of moving goods to support the local and regional economy. Stores need items to stock their shelves while manufacturers must get their products to customers outside of the City and all of these needs rely on freight and delivery trucks. While not all streets in Kenmore need to support these large vehicles, there are important routes that the City prioritizes to support goods movement and economic activity.



GOAL T-1

Provide a complete transportation network that serves local and regional circulation needs and safely accommodates all users.

- Objective T-1.1: Develop and maintain a Layered Network that provides connectivity and recognizes that not all streets provide the same quality of travel experience. Classify streets as State Highways, Boulevards, Urban Avenues, Neighborhood Connections, and Local Streets.
 - Policy T-1.1.1: Ensure that the Layered Network continues to provide for all varieties of street uses including: regional mobility and cross-town trips, commuting, shopping, and recreational travel, property and business access, and parking, regardless of mode.
 - Policy T-1.1.2: Guide the development of new streets and maintenance of existing streets to form a well-connected network that realizes the *Future Roadway Network* and provides for safe, direct, and convenient access to the existing roadway network for automobiles, bicycles, and pedestrians.
 - Policy T-1.1.3: New residential development should be consistent with the *Future Roadway Network* and new streets or extensions should be publicly owned. Cul-de-sac construction should require the approval of the City engineer.
 - Policy T-1.1.4: Develop a *Street Planning Toolkit* that recognizes and balances the competing needs of mobility and safety in residential neighborhoods.
 - Policy T-1.1.5: Coordinate with park-and-ride and transit service providers to pursue improvement projects that are consistent with the *Layered Network* and which benefit transit users in Kenmore.
 - Policy T-1.1.6: Continue to enhance the City's *Layered Network* by using the following methods:
 - a. Require dedication of rights-of-way as a condition for development when the need for such rights-of-way is linked to the development or where shown on the *Future Roadway Network*;
 - b. Request donations of rights-of-way to the public;
 - c. Purchase rights-of-way in accordance with State laws and procedures; and
 - d. Acquire development rights and easements from property owners.
 - Policy T-1.1.7: Maintain criteria to consider street vacations. Criteria should address:
 - a. State laws regarding street vacations;
 - b. Consistency with the *Layered Network*, including the effects of the street vacation on existing and future circulation;
 - c. Ability to utilize excess right-of-way for other public purposes such as parks, recreation, waterfront access, view points, or affordable housing;
 - d. Public benefit of the street vacation; and
 - e. Fair compensation.
- Objective T-1.2: Design and maintain streets consistent with the community vision.
 - Policy T-1.2.1: Consider the environmental consequences of street design standards and maintenance practices. When preparing City-sponsored street or driveway design projects or reviewing development proposals the City should follow steps outlined in the *Street Planning Toolkit*.
 - Policy T-1.2.2: Require new development to minimize and consolidate access points along all principal and minor arterials, but especially along SR 522 and any new arterials that may be developed. Coordinate this effort with local businesses, property owners, and WSDOT.
 - Policy T-1.2.3: Protect rights-of-way from encroachment by structures, fences, retaining walls, substantial landscaping, or other obstruction to preserve the public's use of the right-of-way, safety, and mobility. Protection methods may include minimum setback requirements for property improvements allowing future roadway expansion, street use agreements, and development of specific guidelines regarding installation and maintenance of landscaping within the public right-of-way.
 - Policy T-1.2.4: Maintain a right-of-way use permit application process and criteria to ensure that temporary development and utility construction activities do not create adverse safety, environmental, or traffic impacts.



Figure 12: Street Planning Toolkit

When planning for new streets or redesigning existing ones, the City should select uniform designs and maintenance methods that create a safe, effective, environmentally sensitive, and welcoming transportation system for all users in line with other Comprehensive Plan policies. Throughout this process, the City must consider the various financial and non-financial costs of development and operation of the transportation system in addition to the concerns of interested parties.



(Credit: Michele Weisbart)

- Align and locate transportation facilities away from environmentally sensitive areas, consistent with other Comprehensive Plan policies;
- Mitigate significant environmental impacts whenever possible;
- Whenever possible, incorporate the use of native grasses, shrubs, and trees, drought-resistant species, and pervious pavement in the design of streets, landscape strips, and medians.
- Enhance the safety of pedestrians, bicyclists, and motorists through sidewalk and on-street facility location, design, and maintenance, lighting requirements, signs, lane widths and geometrics, and access to properties using the Layered Network as a guide.
- Consider the conflicts between different users in the design of multi-purpose paths, including the use of separate paths, striping different lanes for pedestrians and cyclists, speed limits, and increased use of protected bicycle facilities on streets to provide additional options for cyclists.
- Establish parking standards that discourage excessive parking through shared parking, demand studies, and other incentives or requirements to reduce underutilized parking lots and encourage alternate modes of travel.



- Objective T-1.3: Improve street safety and function.
 - Policy T-1.3.1: Continue to collect data on traffic counts and collisions to support studies, operational changes, and designs; enhance efforts when possible.
 - Policy T-1.3.2: Concentrate collision analysis at the most critical locations through identifying areas with a high number of incidents.
 - Policy T-1.3.3: Include emergency service providers in review of roadway designs to ensure emergency vehicle passage. Design considerations include dead-end street lengths, turn-arounds, travel lane widths, maximum road grades, and parking location.
 - Policy T-1.3.4: Develop a strategy that addresses education and enforcement measures to improve safety conditions for pedestrians and bicyclists on Kenmore's streets.
- Objective T-1.4: Develop a transportation system that achieves the following level of service (LOS) metrics:
 - **Vehicular LOS:** boulevards should exhibit LOS E or better, urban avenues and neighborhood connections LOS D or better, and local streets LOS C or better. LOS along SR 522 and 68th Avenue / Juanita Drive will be measured as average delay at the corridor level rather than the intersection level.

PEDESTRIAN LOS – SIDEWALK REQUIREMENTS

LOS	Within Pedestrian Priority Network
	Pedestrian facility* where indicated in Pedestrian Priority Network, with a buffer
	Pedestrian facility* provided on one side of the street
	No pedestrian facility

*Pedestrian facility includes sidewalks and shoulders protected by a raised curb.

BICYCLE LOS – FACILITY REQUIREMENTS

LOS	Within Bicycle Priority Network
	Provides recommended treatment* recommendation, as shown within Bicycle Priority Network
	Provides a lower-level facility* than recommended in the Bicycle Priority Network
	No Facility

*Bicycle facilities – lowest-level to highest-level of treatment: shared; bike lanes; buffered bike facility; separated trail.

TRANSIT PRIORITY CORRIDOR LEVEL OF SERVICE

LOS	Transit Stop Amenities	Pedestrian Access	Frequency of Service
	High level	Sidewalks and marked crosswalks serving stops	All day service. Peak service 15 minutes or less, midday 30 minutes or less
	Some amenities	Sidewalks and marked crosswalks serving some stops	All day service. Peak services 30 minutes or less, midday service 60 minutes or less
	Little or no amenities	General lack of sidewalks and marked crosswalks	Low level of service



- Objective T-1.5: Perform periodic review and monitoring (every 2-4 years) of the transportation system to ensure it adequately serves existing and future land uses.
 - Policy T-1.5.1: Forecast travel to identify needed transportation improvements. The forecasts should:
 - a. Account for expected changes in personal travel behavior and feasibility of mode choices;
 - b. Use current data and policies;
 - c. Be compatible with other jurisdictions; and
 - d. Reflect the Vision Statement and land use policies.
 - Policy T-1.5.2: Identify the improvements and strategies needed to fully implement the City's *Layered Network* and meet the level-of-service requirements for transportation.
 - Policy T-1.5.3: Monitor growth in population and employment in relation to the land use and growth assumptions of the Transportation Element. Reassess the Land Use and Transportation Elements as needed to ensure that planned improvements will address the potential impacts of growth.
 - Policy T-1.5.4: Require construction of necessary transportation improvements from the private or public sector at the time of development or within six years of development.

GOAL T-2

Coordinate with local, regional, state, and federal agencies as well as non-governmental entities to develop and operate the transportation system.

- Objective T-2.1: Support and complement the transportation functions of the State of Washington, transit agencies, and other entities responsible for transportation facilities and services to meet Kenmore's needs.
 - Policy T-2.1.1: Coordinate planning, construction, and operation of transportation facilities and programs with the State, Counties, neighboring cities, Puget Sound Regional Council, Metro, Sound Transit, and other entities. This coordination will be achieved by:
 - a. Participating in the transportation-related activities of King County and advisory committees;
 - b. Working with other jurisdictions to plan, fund, and implement multi-jurisdictional projects necessary to meet shared transportation needs; and
 - c. Making transportation decisions consistent with the transportation plan and with the State, Puget Sound Regional Council, transit agencies, King County, Snohomish County, and neighboring jurisdictions.
 - Policy T-2.1.2: Support increased transit service for the Kenmore Town Center area based upon existing and future population and employment densities.
 - Policy T-2.1.3: Work with private property owners to create a loop road circulation system around the Town Center area providing for automobile and non-motorized travel to achieve community identity, housing, community linkages, and economic development goals.
- Objective T-2.2: Cooperate with neighboring cities, King and Snohomish Counties, transit agencies, Puget Sound Regional Council, and the Washington State Department of Transportation to address regional transportation issues.
 - Policy T-2.2.1: In partnership with State, regional and local agencies, address regional transportation issues. These include:
 - a. Regional air, rail, and water transportation facilities and services;
 - b. Operation of and improvements to the State highway network, including SR 522;
 - c. Improvements to roadways connecting Kenmore to the surrounding region, including SR 522;
 - d. Improvements to major roadways bordering, yet having an influence upon internal traffic flows within Kenmore, including those located in Snohomish County;
 - e. Improved access to I-5 and I-405 corridors and other employment corridors;
 - f. Regional pedestrian and bicycle facility needs; and
 - g. Transit connections to the region's urban centers.
 - Policy T-2.2.2: Work with neighboring jurisdictions to ensure that new development outside of Kenmore does not unreasonably affect transportation systems, levels of service, and the quality of life in Kenmore. Utilize the following approaches:
 - a. Promote thoughtful planning by neighboring jurisdictions consistent with comprehensive plans; and
 - b. Support the establishment of a regional traffic planning and mitigation payment system.



- Policy T-2.2.3: Coordinate transit levels of service with King County Metro, Sound Transit, and private transit operators.
- Objective T-2.3: Ensure regional transportation improvements and services are compatible with the Comprehensive Plan and the City's *Layered Network*.
 - Policy T-2.3.1: Continue to take a lead role in the planning, design, and implementation of SR 522 improvements within Kenmore. Encourage multi-agency cooperation (such as WSDOT and Sound Transit) and ensure that improvements in Kenmore are coordinated with adjacent communities, such as Lake Forest Park and Bothell.
 - Policy T-2.3.2: Work with the City of Kirkland to coordinate planned improvements along Juanita Drive.
 - Policy T-2.3.3: In conjunction with WSDOT, study potential improvements along SR 522, including at 68th Avenue and potential future Sammamish River crossings, to address better north-south travel in the community.
 - Policy T-2.3.4: Work with WSDOT to identify and mitigate the impact that reconstruction and toll projects have on Kenmore; particularly on SR 522.
- Objective T-2.4: Work with business leaders, private owners, and other local organizations to support transportation efforts in reaching mutual goals.
 - Policy T-2.4.1: Attract and retain business enterprises to Kenmore by managing traffic growth through multi-modal improvements including: local and regional transit improvements, carpool and vanpool programs, pedestrian and bicycle improvements, transportation demand management measures, and roadway efficiency improvements.
 - Policy T-2.4.2: Ensure that regulations require appropriate parking for business customers.
- Objective T-2.5: Position Kenmore to respond to technological innovations, such as electric vehicles and driverless cars.
 - Policy T-2.5.1: Coordinate with PSRC and other regional entities to understand regional plans for electric vehicle charging and accommodation of other alternative fuel sources.
 - Policy T-2.5.2: Review vehicle regulations periodically to ensure accordance with current technologies that can support Kenmore's transportation system.

GOAL T-3

Promote a transportation system that is sustainable from both fiscal and environmental perspectives with participation from both the public and private sectors.

- Objective T-3.1: Emphasize priorities of the community when reviewing circulation system improvements needed to fully implement the City's *Layered Network*, including addressing safety, maintenance, congestion relief, multi-modal projects, transit, and growth.
- Objective T-3.2: Regularly prepare and adopt a Six-Year Transportation Improvement Program to implement the Transportation Element.
 - Policy T-3.2.1: In preparation of specific planning and implementation documents, including the Six-Year Transportation Improvement Program, the City will involve the public, interested agencies, and other jurisdictions through a clearly stated process that provides opportunities for review and comments regarding the City's priorities and recommendations.
 - Policy T-3.2.2: Ensure that plans consider the best available lifecycle cost of an improvement, including operation and maintenance costs; environmental, economic, and social impacts; and any replacement or closure costs.
- Objective T-3.3: Leverage City resources and secure adequate funding sources for transportation improvements and services through a variety of mechanisms, including those required as a result of development.
 - Policy T-3.3.1: Seek to secure adequate funding sources for transportation through a variety of methods. These methods may include:
 - a. Seeking federal and state funds;
 - b. Encouraging public/private partnerships for financing transportation projects that remedy existing transportation problems or foster economic growth in Kenmore;
 - c. Encouraging the use of Local Improvement Districts (LIDs) by property owners to upgrade roads to meet City road standards; and
 - d. Requiring impact fees for new development.



- Policy T-3.3.2: Ensure shared responsibility of mitigating development impacts between the public and private sector. Require that developers contribute their fair share toward transportation improvements needed to accommodate development. Impact mitigation efforts may include:
 - a. Requiring developers to assist in providing additional transportation facilities and services in proportion to the impacts and needs generated by the development;
 - b. Encouraging developers to design projects that generate less traffic; and
 - c. Requiring impact fees for new development.
- Objective T-3.4: Ensure improvements to the transportation network occur concurrently with development
 - Policy T-3.4.1: Allow development only when those proposals are concurrent with specific documentation or plans showing how the transportation system can adequately support existing and proposed development needs.
- Objective T-3.5: Cooperate regionally and strive locally to improve air quality and surface water quality.
 - Policy T-3.5.1: Support ongoing efforts for improving air quality throughout the Kenmore area and develop a transportation system compatible with the goals of the Federal and State Clean Air Acts. The City will:
 - a. Support vehicle emissions testing and cleaner burning fuels;
 - b. Coordinate with King County Metro, Sound Transit, and other jurisdictions on Commute Trip Reduction programs for major employers in Kenmore; and
 - c. Promote Transportation Demand Management programs.
 - Policy T-3.5.2: Design roadway improvements to be consistent with the City's Surface Water Management Plan and stormwater regulations. Install permeable pavements and biofiltration swales where possible to reduce runoff.
 - Policy T-3.5.3: Support travel modes that minimize air pollutants and greenhouse gas emissions.

GOAL T-4

Encourage public transportation, non-motorized travel, and other transportation strategies that reduce the need for automobile travel, especially by single-occupant vehicles (SOV).

- Objective T-4.1: Support expansion of local and regional transit service within Kenmore that provides linkages to regional destinations.
 - Policy T-4.1.1: Examine the opportunities for increasing transit service with Metro and Sound Transit with priorities tailored to meet the needs of the community by:
 - a. Supporting additional routes or connections to surrounding communities and employment centers;
 - b. Requiring transit facilities as mitigation where appropriate for new developments;
 - c. Identifying and developing locations that are accessible to public transportation for use as park-and-ride or park-and-ride lots;
 - d. Requiring adequate right-of-way, sidewalk, and roadway improvements where transit stops are located; and
 - e. Adopting design standards that promote safety and aesthetics in accordance with the *Street Planning Toolkit*.
 - Policy T-4.1.2: Work with Metro and other transit providers to establish a local circulator transit service that provides intra-community transit service, connecting north and south Kenmore. The local circulator service would provide connections to the Town Center, major commercial and mixed centers in Kenmore, park-and-ride lots, and other key destinations.
 - Policy T-4.1.3: Maintain HOV lanes on SR 522 for use by transit and business access only to encourage transit usage and improvements, and to preserve its use for transit over the long term.
- Objective T-4.2: Work with King County and transit agencies to provide appropriate locations and encourage maximum usage of park-and-ride facilities.
 - Policy T-4.2.1: Design structured parking facilities with ground floor retail to encourage transit-oriented development, improve transit access to support the downtown plan, and improve and encourage non-motorized travel to and from park-and-ride lots.
 - Policy T-4.2.2: Explore the potential for joint use of park-and-ride lots with the public and private sectors for commercial and residential use.



- Objective T-4.3: Create a sidewalk and pedestrian trail network linking neighborhoods, the Town Center, and key community destinations consistent with that laid out in the *Pedestrian Priority Network*.
 - Policy T-4.3.1: Focus early sidewalk improvements on the *Pedestrian Priority Network*. The first priority should be completing the sidewalk system on *Urban Avenues*.
 - Policy T-4.3.2: Prioritize future pedestrian facility improvements that increase pedestrian safety, link to key destinations, promote multi-modal trips, improve conditions for the elderly and persons with disabilities, maintain safe condition of existing sidewalks, and meet other priorities for pedestrians in Kenmore.
 - Policy T-4.3.3: Require development to provide additional sidewalks along both sides of streets or on one side of the roadway in return for contribution to a sidewalk fund to complete missing links, increase pedestrian safety, and provide linkages to key destinations in accordance with the *Pedestrian Priority Network*.
 - Policy T-4.3.4: Based upon the City's sidewalk inventory, denote some neighborhoods and the streets within them as "sidewalk free", considering the criteria laid out in the *Pedestrian Priority Network*. Also establish a mitigation fee system applicable to new development in "sidewalk free" areas to complete critical sidewalk links along adjoining streets or desirable trails.
 - Policy T-4.3.5: As part of the *Pedestrian Priority Network*, provide crosswalks at key locations such as in the Town Center, on SR 522 near park-and-ride lots and transit stops, near schools, and at other locations with significant pedestrian volumes.
- Objective T-4.4: Create a comprehensive *Bicycle Priority Network* in Kenmore.
 - Policy T-4.4.1: Require roadway development along the *Bicycle Priority Network* to include bicycle facilities.
 - Policy T-4.4.2: Prioritize future bicycle facility improvements that increase safety for bicyclists, link to key destinations, promote multi-modal trips, complete gaps in the existing bicycle system, provide linkages to the Burke-Gilman Trail and other key off-road facilities, and meet other priorities for bicyclists in Kenmore.
 - Policy T-4.4.3: Encourage off-road non-motorized vehicle facilities on designated trails. Promote the on-going maintenance and use of the Burke-Gilman Trail.
 - Policy T-4.4.4: Promote non-motorized vehicle trails in utility corridors such as the Tolt Pipeline where consistent with environmental constraints.
 - Policy T-4.4.5: Allow for a secondary pedestrian and bicycle loop around the downtown area with waterfront connections.
 - Policy T-4.4.6: Accommodate bicycles and non-motorized vehicles in the design and management of the City's *Layered Network* in accordance with the *Bicycle Priority Network*.
- Objective T-4.5: Implement programs and regulations that help reduce the use of single occupant vehicles (SOV).
 - Policy T-4.5.1: Create and implement development standards that:
 - a. Encourage continuous, direct, convenient non-motorized linkages;
 - b. Provide sufficient illumination in parking lots and along travel routes to increase visibility and security for non-motorists;
 - c. Minimize front yard parking along commercial street fronts, particularly in the Town Center;
 - d. Establish parking standards that discourage excessive parking through shared parking, demand studies, and other incentives or requirements, to reduce underutilized parking lots and encourage alternate modes of travel;
 - e. Promote mixed-use development in the Town Center; and
 - f. Require minimum densities through floor area ratios, employment levels, and / or business retention and expansion activities in the Town Center and major commercial areas to support transit.
 - Policy T-4.5.2: Prepare a Commute Trip Reduction Ordinance applicable to large employers in accordance with State laws.
 - Policy T-4.5.3: Support the goals of the Puget Sound Regional Council's Regional TDM Action Strategy to manage travel behavior and reduce vehicle trips.

GOAL T-5

Maintain the availability of safe air travel services in Kenmore.

- Objective T-5.1: Support the continued operation of the Air Harbor to provide private air transportation services to the region and community.



- Policy T-5.1.1: Recognize the Kenmore Air Harbor as a business that is economically and historically significant to the community.
- Objective T-5.2: Plan for appropriate uses and activities in the vicinity to minimize impacts to and from the Air Harbor.
 - Policy T-5.2.1: In consultation with the State and the Air Harbor operator, comply with State laws requiring plans and regulations that discourage the siting of incompatible uses adjacent to the Air Harbor.
 - Policy T-5.2.2: Ensure plans and regulations address the Air Harbor as an allowed use and, where appropriate, acknowledge compatibility issues including height hazards, safety, and noise that can affect the long-term viability of the Air Harbor. Consider WSDOT guidelines addressing airports and compatible land use. Allow compatible uses, buildings, or land or water activities in the vicinity that do not present safety problems to normal Air Harbor operations, or that would not be sensitive to noise from the Air Harbor operations.
- Objective T-5.3: Work with the Air Harbor to ensure compliance with appropriate noise and safety standards.
 - Policy T-5.3.1: Work in partnership with the Air Harbor to address noise management and compliance with Federal, State and local noise ordinances. Consider a special overlay or property title process that identifies the noise-related impacts of the Air Harbor.
 - Policy T-5.3.2: Work in partnership with the Air Harbor to ensure safe operations in compliance with Federal and State aeronautic safety requirements.

GOAL T-6

Provide a transportation system that facilitates freight mobility and economic prosperity.

- Objective 6.1: Support the efficient movement of goods in Kenmore's commercial areas to support the local economy.
 - Policy T-6.1.1: Consider the needs for delivery and collection of goods at local businesses by truck and ensure future transportation improvements address the needs of large trucks on the *Freight Priority Network*.
 - Policy T-6.1.2: Monitor commercial truck traffic to ensure use of appropriate corridors to support efficient movement of goods and safety of local streets. Utilize the WSDOT classification system to determine freight and goods movement routes.
- Objective 6.2: Accommodate local deliveries and other goods movement that is necessary to serve Kenmore residents.
 - Policy 6.2.1: Work with local industries and freight companies to understand their needs for adequately moving goods.
 - Policy 6.2.2: Ensure roadway improvements do not unnecessarily impede delivery vans and other small freight trucks.



CHAPTER 4: FUTURE TRANSPORTATION VISION

Kenmore envisions a future transportation system that serves all users and modes of travel by offering a safe and robust network of walkways, bicycle facilities, intersections, and roadways. This chapter describes Kenmore's vision for its future transportation network and the infrastructure improvements that will get the City there.

As identified in this plan, most of the improvements are focused on the development of a 'layered' transportation network, which focuses less on providing vehicular capacity and more on accommodating all modes of travel. While some of the roadway improvements are needed to meet the City's vehicular level of service (LOS) standard, most of the future improvements focus on providing safer and more complete facilities for walking, bicycling, and riding transit in order to improve access and mobility for all road users.

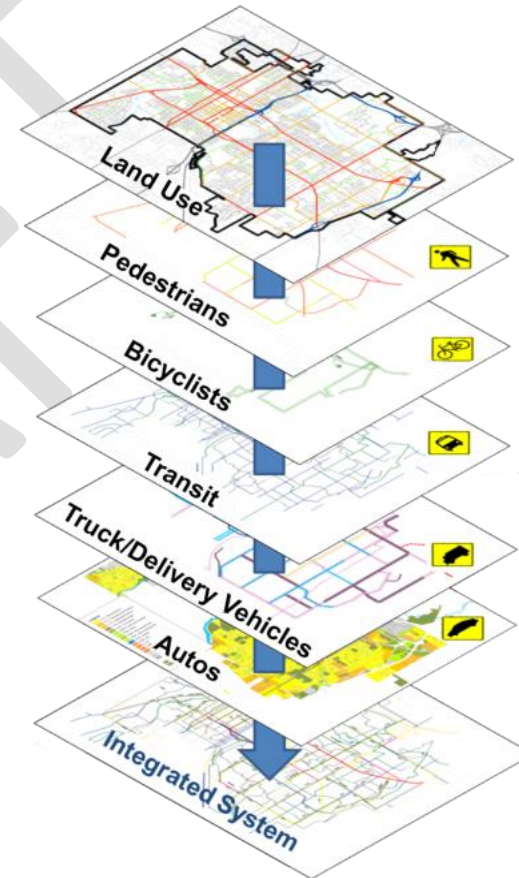
INTRODUCTION TO THE LAYERED NETWORK

It can be a challenge for a single roadway to meet the demands and expectations of all modes at any given time. This is also generally not desirable from a user or a planning perspective.

In response to this challenge, the City of Kenmore has adopted a layered network approach that focuses on how the City's transportation network can function as a system to meet the needs of all users. In such a system, individual travel modes are prioritized on different facilities throughout the overall network. **Figure 12** illustrates the concept of a layered network.

The City will implement this layered network through a system of roadway typologies that define each street's user priorities and associated infrastructure needs.

Figure 13: Layered Network Concept





ROADWAY TYPOLOGIES

The following street typologies dictate the form and intended functions of roadways in Kenmore. While some roadways are intended to serve regional travel and vehicle circulation, other facilities provide safe options for a more multimodal user base. A description of each roadway type follows and detailed fact sheets are available in **Appendix D**.

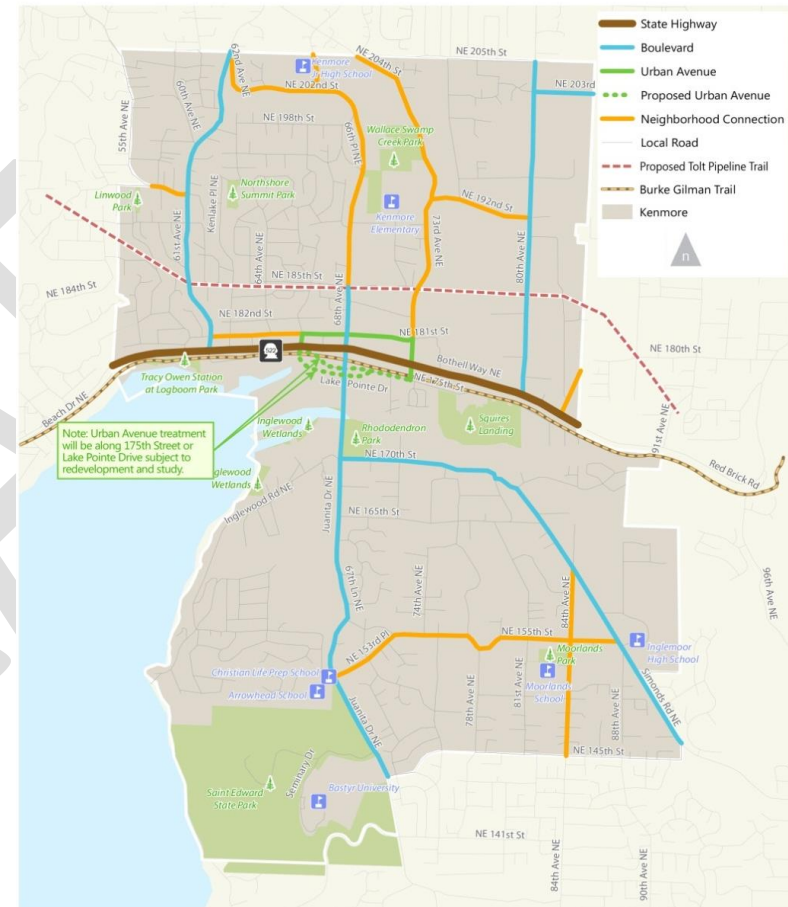
The roadway types are as follows and are summarized in **Figure 14**:

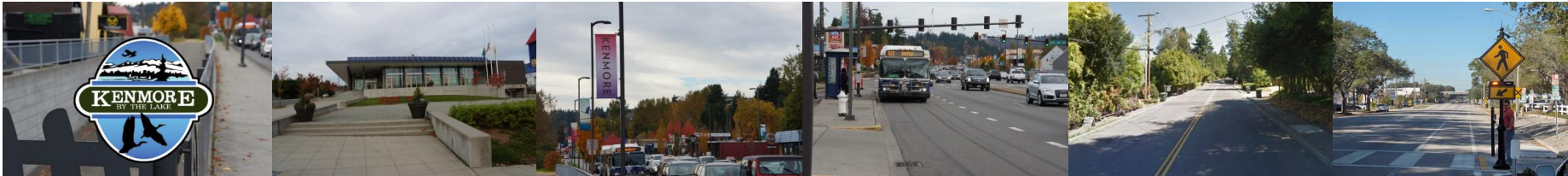
- **Boulevard** – Most conducive for crosstown trips and focus on transit, freight, and auto mobility.
- **Urban Avenue** – Signals the entry into a higher-density commercial or residential zone. Emphasizes multimodal interactions and travel experience.
- **Neighborhood Connection** – Provides a safe and enjoyable travel experience for bicycles and pedestrians.
- **Local Street** – Prioritizes local access (driveways, on-street parking) and pedestrian travel. Bicycles share the roadway.

MODAL NETWORKS

As the roadway descriptions specify, each type focuses on and prioritizes a different balance of users, both in terms of trip purpose and travel mode. Determining how the entire transportation network fits together in Kenmore requires identifying desirable streets for each mode, combining them to locate overlaps, and then assigning priority to certain modes. The following sections review the priority networks for each mode and establish their level of service standards.

Figure 14: City's Layered Network





WALKING

While Kenmore’s local streets tend not to need fully separate sidewalks or paths due to their low traffic volumes and slow speeds, the City’s boulevards, urban avenues, and neighborhood connections do warrant pedestrian infrastructure. Dense areas with commercial land uses and streets that serve schools are particularly important for safe walking, as they support more pedestrians and may have a larger portion of vulnerable users than other streets. **Figure 15** highlights the *Pedestrian Priority Network*, including examples of walking facilities that Kenmore should include on these streets, as well as whether pedestrian infrastructure should be provided on both sides or one side of the street.

Building on the *Pedestrian Priority Network* above, **Table 3** establishes the level of service standard for pedestrian facilities around the City. The best level of service for walking, indicated in the green row, would provide walkways with buffers exactly as shown in the *Pedestrian Priority Network*. The yellow level of service, which meets the basic needs for safe walking around the City, requires sidewalks or shoulders protected by raised curbs on one side of all the streets called out in the *Pedestrian Priority Network*. Incomplete or missing pedestrian facilities would fall into the red category and not satisfy the City’s LOS for walking.

In addition to the presence of pedestrian facilities along a corridor, the City also emphasizes the importance of safe pedestrian crossings. Particularly downtown and within ½ mile of schools, the City is looking to provide enhanced crossings at regular intervals.

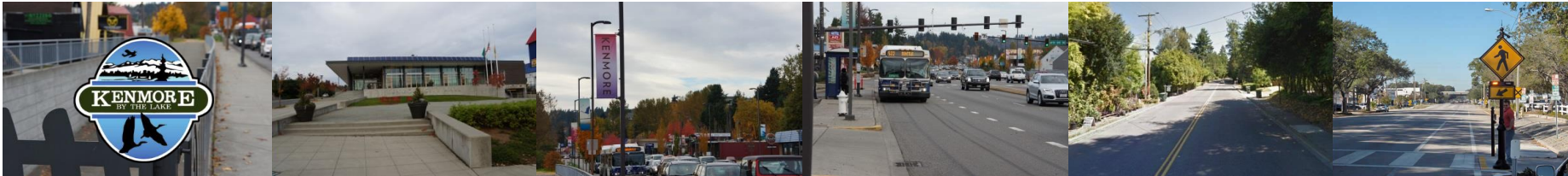
Table 3: Pedestrian LOS – Sidewalk Requirements

LOS	Within Pedestrian Priority Network
	Pedestrian facility* where indicated in Pedestrian Priority Network, with a buffer
	Pedestrian facility* provided on one side of the street
	No pedestrian facility

* Pedestrian facility includes sidewalks and shoulders protected by a raised curb

Figure 15: Pedestrian Priority Network





BICYCLING

Kenmore already sees significant levels of bicycling along the Burke-Gilman Trail and Juanita Drive, which serve as major commuter and recreational corridors. Connecting to these routes from other areas of the City can be challenging, however, due to the lack of bicycle infrastructure. Key mobility corridors for bicyclists, such as 68th Avenue / Juanita Drive / Simonds Road would be best served with separated bicycle facilities, while Class II bike lanes and shared lane markings would suffice on other streets.

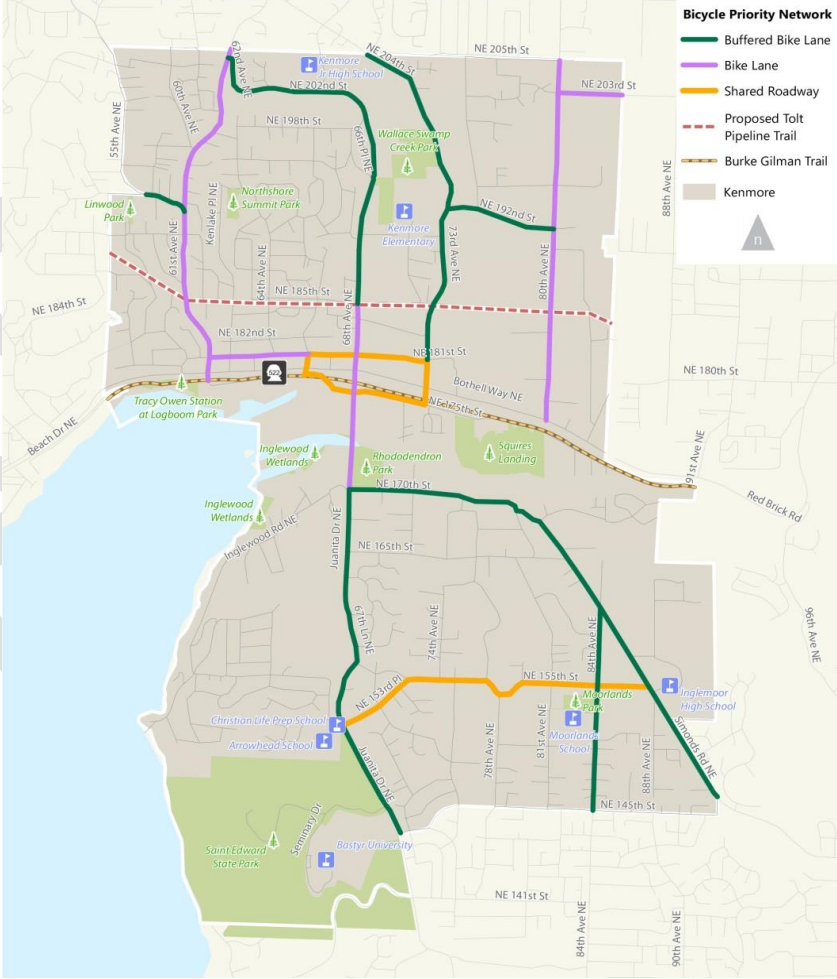
Similar to Pedestrian LOS, the City of Kenmore can strive for the green level of service for bicycling by installing the bicycle facilities depicted in the *Bicycle Priority Network* or a facility that offers more separation from vehicle traffic. At a minimum, the City plans to provide the yellow LOS by installing some sort of bicycle infrastructure on the streets identified in the *Bicycle Priority Network* (see **Figure 16**). At a minimum, these facilities would be signed bike routes. Incomplete or missing bicycle facilities would fall into the red standard and not meet the City's LOS for bicycling. The level of service standards for bicycle facilities are described in **Table 4** below.

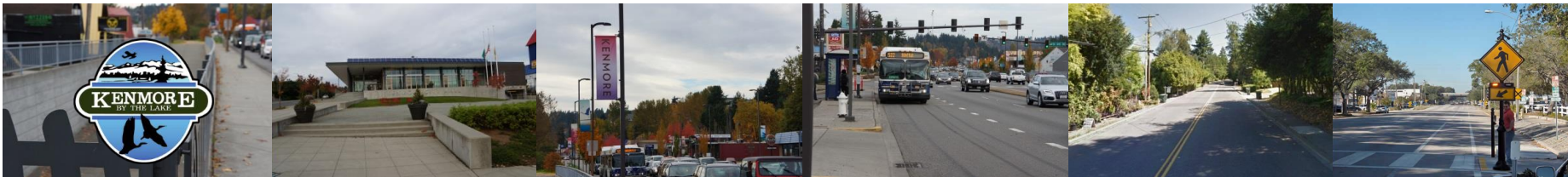
Table 4: Bicycle LOS – Facility Requirements

LOS	Within Bicycle Priority Network
	Provides minimum treatment* recommendation, as shown within Bicycle Priority Network
	Provides a lower-level facility* than recommended in the Bicycle Priority Network
	No Facility

* Bicycle facilities – lowest-level to highest-level of treatment: shared; bike lanes; buffered bike facility; separated trail.

Figure 16: Bicycle Priority Network





TRANSIT

Transit operations are out of the City’s direct control, but Kenmore can still aim to create corridors that are welcoming to transit. The *Transit Priority Network* identifies the corridors that the City should focus their efforts on and is shown in **Figure 17**. The City can boost transit use by offering:

- Street lighting
- Bus shelters and benches
- Safe routes for accessing transit stops

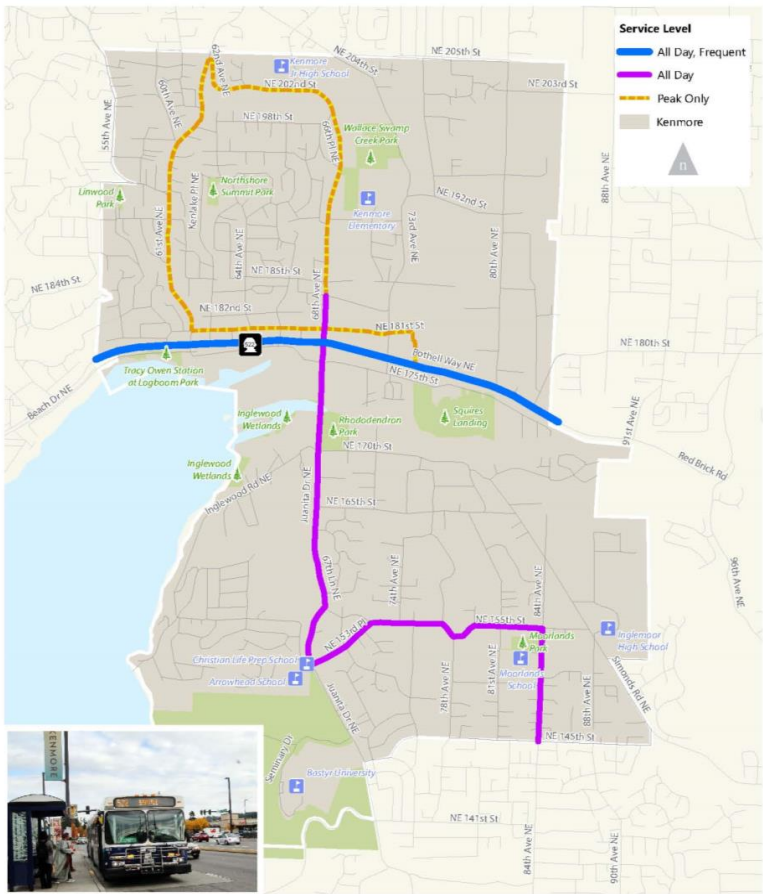
Kenmore’s transit LOS is defined based on the amenities, access, and service frequencies discussed above. The City can reach the green LOS standard by providing a high level of the transit supportive amenities at major stops, installing sidewalks and marked crosswalks at all stops, and attracting frequent, all day transit service. The yellow standard, which the City will adopt as its minimum target, includes some transit stop amenities, sidewalks and marked crosswalks at some stops, and all day service with headways of 30 minutes or less during the peak hour and 60 minutes or less during midday. Kenmore’s measurement of transit LOS is summarized in the **Table 5** below.

Table 5: Transit Priority Corridor Level of Service

LOS	Transit Stop Amenities	Pedestrian Access	Frequency of Service
	High level	Sidewalks and marked crosswalks serving stops	All day service. Peak service 15 minutes or less, midday 30 minutes or less
	Some amenities	Sidewalks and marked crosswalks serving some stops	All day service. Peak services 30 minutes or less, midday service 60 minutes or less
	Little or no amenities	General lack of sidewalks and marked crosswalks	Low level of service

While the City itself does not operate transit, these amenities can encourage residents and employees to use transit and therefore gain additional service hours from King County Metro and Sound Transit.

Figure 17: Transit Priority Network





FREIGHT AND AUTO

Residents and workers in Kenmore use nearly every street in the roadway network at some point each day to access their homes, jobs, and other destinations. Many of these streets are local streets, however, and do not see significant traffic volumes throughout the day. Similarly, goods movement and delivery vehicles use some corridors frequently while other streets see only the occasional local delivery.

Figure 18 (which is the same as Figure 14, just reproduced here for readability) calls out the classification of each of Kenmore's streets, in terms of whether it is a Boulevard, Urban Avenue, Neighborhood Connector, or Local Street. These classifications indicate the intended function of each street, specifically in terms of its intended function in facilitating vehicle and freight mobility as well as other models. These classifications (further described in **Appendix D**) should guide future investments in streetscape and LOS objectives.

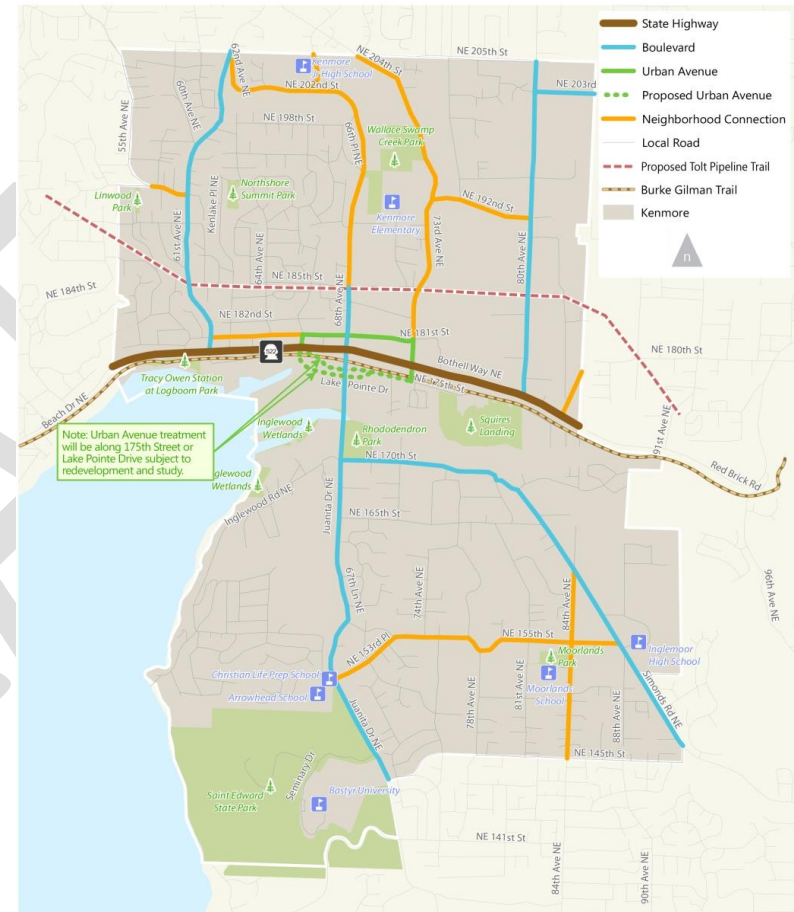
Kenmore will maintain its current LOS standard, as presented below. However, the City will measure LOS at the corridor level on SR 522 and 68th Avenue / Juanita Drive / Simonds Road rather than at the intersection level. Though a single intersection on these corridors may experience longer delays than indicated by the standard, the overall concern for residents and travelers on these roadways is to get through multiple intersections in a reasonable amount of time. For this reason, average delay along the corridor is a more level of service standard than the experience at a single intersection.

The City's level of service policy sets the following standards for its roadways:

- Boulevards (Primary Arterials) – LOS E or better
- Urban Avenues, Neighborhood Connections (Minor Arterials) – LOS D or better
- Local Streets (Collectors) – LOS C or better

The expected growth in Kenmore and across the region by 2035 will generate higher auto volumes on City roadways. **Figure 19** displays the forecast volumes on Kenmore's street network.

Figure 18: City's Layered Network



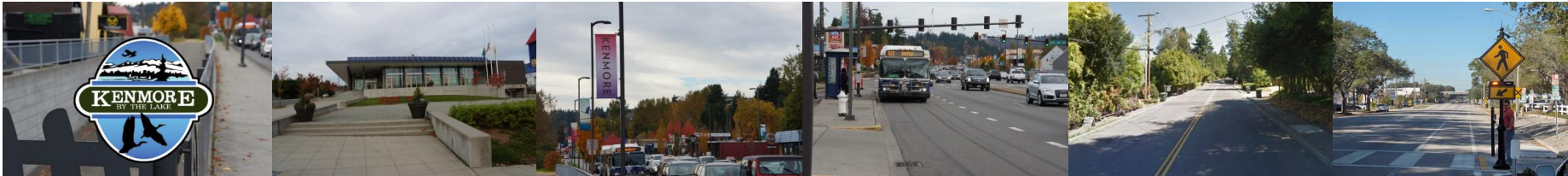
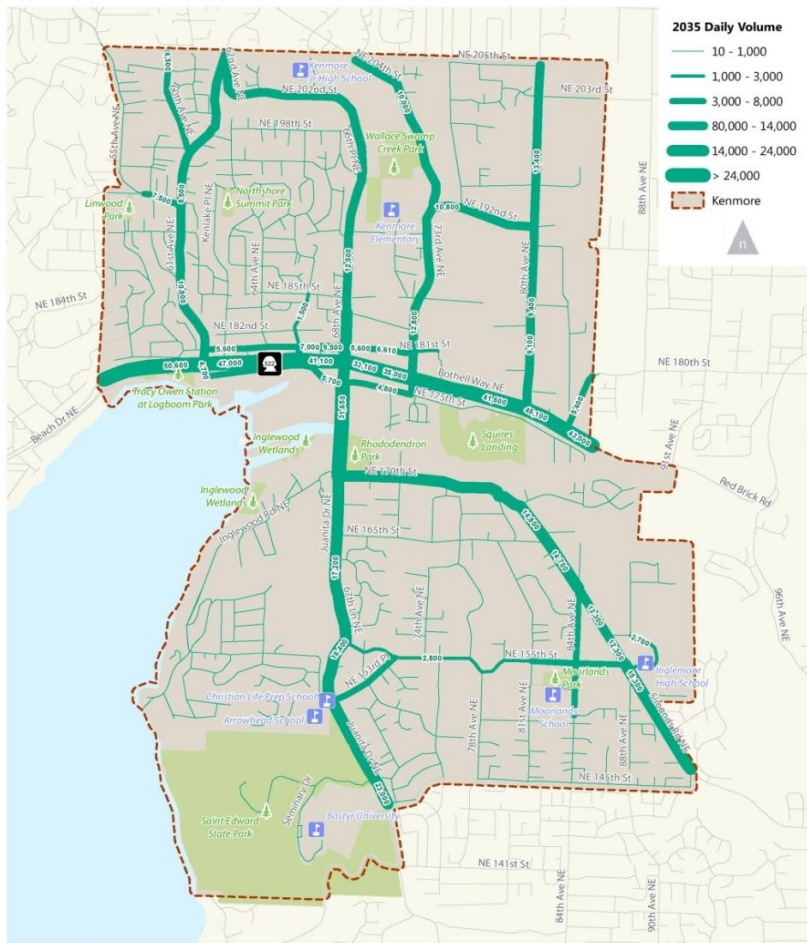


Figure 19: Future Traffic Volumes





DOWNTOWN PARKING

The City's on-street parking supply is currently available on a first-come, first-served basis, without time restrictions or charges. Anticipated development in the Downtown quadrants may necessitate more active parking management in the future as demand for parking increases.

The City should monitor parking use in downtown and consider the following actions, as appropriate, to manage demand:

- Once on-street parking supply utilization exceeds 85 percent on downtown roadway segments during business hours, consider implementing time limits (2 or 4 hours) or parking charges to encourage parking space turnover.
- If parking spillover is perceived as an issue on nearby residential streets, consider establishing residential parking zones (RPZs) to maintain curb space for neighborhood residents.
- As downtown develops, review the City's parking code to ensure it is aligned with an urban setting.
- Consider encouraging more shared parking by developing a public parking facility that promotes a "park once" concept in the downtown.

There are 693 designated park and ride spaces in Kenmore of which 603 spaces are provided in the Kenmore park and ride lot off 73rd Ave N, and the remainder in two church parking lots. The spaces are largely used by commuters who then access King County Metro and Sound Transit bus service on SR522. On weekdays, these facilities are typically filled to 90% capacity. This results in overflow parking on adjoining streets and properties in the downtown area, thereby reducing the availability of downtown parking. The City should consider working with transit operators (King County Metro and Sound Transit) to identify opportunities to address park and ride demand.





CHAPTER 5: NEAR TERM AND LONG TERM CAPITAL PLANS

This chapter presents the capital program that forms the basis of this Transportation Element. Collectively, this program adds up to over \$100 million in transportation projects to be constructed over the next few decades. For planning purposes, the near term list represents years 0 to 6 (2015-2020) and is financially constrained to only those projects that could realistically receive funding over the next six years¹. The long term list reaches out to the 20 year time horizon (through 2035) and includes unfunded projects that may stretch beyond this time period. Detailed cost estimates are provided in **Appendix E**.

The overall capital plans were developed to create a transportation system that realizes Kenmore's ultimate transportation vision:

- **Goal 1:** Provide a **complete transportation network** serving local and regional circulation needs, safely accommodating all users.
- **Goal 2:** **Coordinate with other regional entities** to develop and operate the transportation system.
- **Goal 3:** Promote a transportation system that contributes to **fiscal and environmental sustainability**.
- **Goal 4:** Encourage transportation options and strategies that **reduce the need for driving**.
- **Goal 5:** **Maintain safe air travel services** in Kenmore.
- **Goal 6:** Facilitate **freight mobility and economic prosperity**.

With these goals in mind, as well as completing the layered networks described in the previous chapter, the 6 and 20 year project lists were developed. **Table 6** describes the Six Year Project List. The selected projects represent a balance of safety, maintenance, and operational improvements for all modes. **Figure 19**

displays the locations of these projects around the City. None of these projects conflict with the goals listed above.

It is important to note that the Six Year Project List reflects a rough order of priority. Based on direction received from the Planning Commission, this order seeks to maintain safety, focus on projects that provide the most benefit to Kenmore residents, and leverage outside funds to the extent possible.

It is recognized that the availability of outside funds is not always predictable. As a result, any of the projects on the near term list are high priority projects that the City would consider moving forward should funding become available.



¹ It should be noted that it is unlikely that all of the projects on the six year list would receive funding (the projects total to over \$50 million). However, at this time, it is uncertain which ones will move forward in the near term and which will not. All of these projects are high priority projects that the City would move forward with if funds are available.



Table 6: Six Year Project List

<i>Projects</i>	<i>Benefit to Kenmore</i>	<i>Primary Benefit</i>	<i>Total Cost</i>	<i>Expected City Contribution</i>	<i>Goal Met</i>
West Sammamish River Bridge	Safely accommodate all users by rebuilding aging bridge; maintain freight mobility/economic prosperity	Regional, local	\$20M	\$1.8M	1, 6
SR 522 improvements (61 st – 65 th)	Improve capacity for vehicle, transit, bicycle, and pedestrian safety	Regional	\$9.8M	\$3.8M	1, 2, 6
SR 522 improvements (Lake Forest Park – 61 st)	Improve capacity for vehicle, transit, bicycle, and pedestrian safety	Regional	\$9.0M	\$550K	1, 2, 6
Sidewalk and crossing program	Improve pedestrian safety and accommodation for all users	Local	\$900K	\$900K	1, 4
Downtown parking feasibility study	Evaluate existing and future parking needs in downtown and identify options for addressing these needs	Regional, local	\$75K	\$38K	1, 2, 3, 4, 6
61 st Ave sidewalk replacement (east side)	Improve pedestrian safety and accommodation for all users	Local	\$2.1M	\$2.1M	1, 4
Neighborhood transportation plans	Develop plans that address neighborhood specific mobility challenges, including safety and circulation of all modes.	Local	\$1.5M	\$1.5M	1, 2, 3, 4, 6
Arterial restriping to add bike lanes on 73 rd Ave (south of 192 nd), 80 th Ave, and Simonds Rd	Improve bicycle and pedestrian safety along key city arterials within existing right-of-way	Local	\$360K	\$360K	1, 3, 4
Juanita Drive Phase 1 (Kirkland to 155 th St)	Improve bicycle/pedestrian safety along Juanita Drive, connecting between Kirkland and 155 th	Regional, local	\$6.5M	\$3.2M	1, 2, 4
Feasibility study for grade-separated crossing of SR 522	Understand infrastructure constraints and opportunities for next project	Local	\$250K	\$250K	1, 2, 4
68 th Ave queue jump lane	Improve local/regional circulation by improving the efficacy of 68 th /SR522 intersection in moving vehicles	Regional, local	\$2.6M	\$500K	1, 2, 3, 6
175 th Swamp Creek Bridge	Safely accommodate all users by rebuilding aging bridge; maintain freight mobility	Local	\$810K	\$80K	1, 6
Total			\$53,895,000	\$15,078,000	

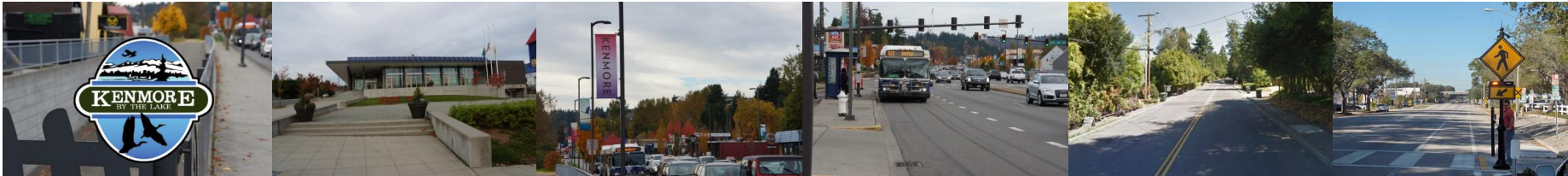
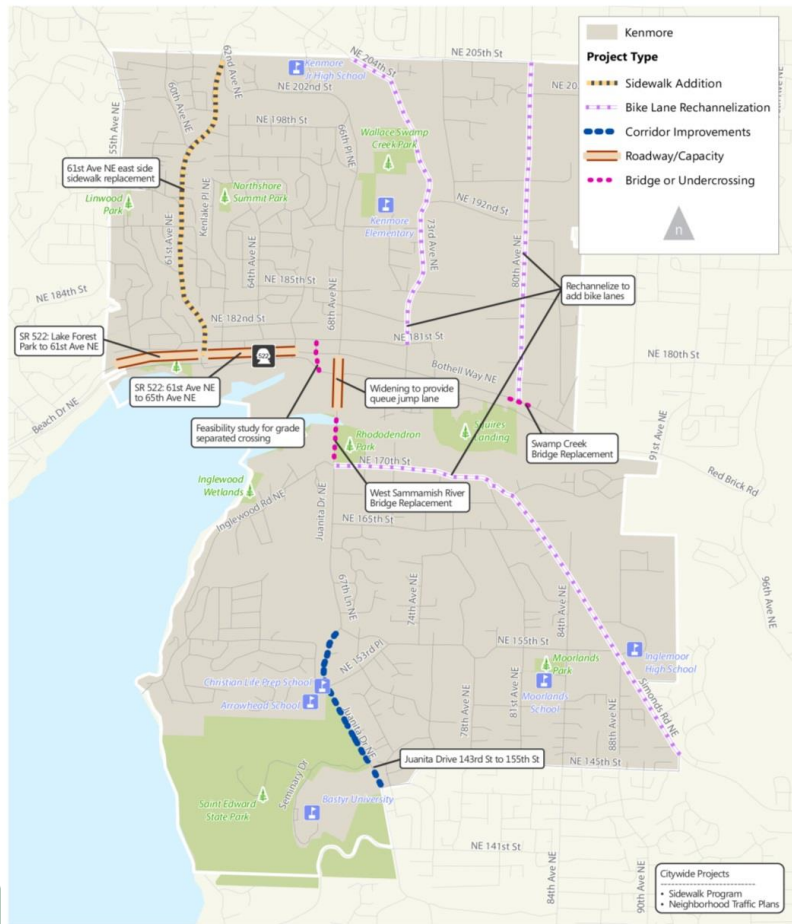


Figure 20: 6 Year Projects



The full list of projects that the City would like to complete during the 20 year planning horizon (including the 6 year projects) are shown in **Table 9** and **Figures 20-23**. While all of these projects would help complete the layered network and realize the City's transportation vision, many are deemed to be longer-term.

Projects included on the Six-Year Project List are considered community priorities that the City would move forward in the near term should funds become available. These projects provide a starting point for the City in developing its financial constrained Six-Year Capital Improvement Plan, which is updated every two years and is developed based on more updated knowledge related to project feasibility and funding availability.

The longer-term list (7-20+ years) also represents important projects, but these projects tend not to have identified funding or are only necessary to address future growth, rather than existing deficiencies.





Table 7: Twenty Year Project List (Includes Six Year Projects)

<i>Projects</i>	<i>Benefit to Kenmore</i>	<i>Primary Benefit</i>	<i>Total Cost</i>	<i>Expected City Contribution</i>	<i>Goal Met</i>
Near Term (0-6 year) Projects					
West Sammamish River Bridge	Safely accommodate all users by rebuilding aging bridge; maintain freight mobility/economic prosperity	Regional, local	\$20M	\$1.8M	1, 6
SR 522 improvements (61 st – 65 th)	Improve capacity for vehicle, transit, bicycle, and pedestrian safety	Regional	\$9.8M	\$3.8M	1, 2, 6
SR 522 improvements (Lake Forest Park – 61 st)	Improve capacity for vehicle, transit, bicycle, and pedestrian safety	Regional	\$9.0M	\$550K	1, 2, 6
Sidewalk and crossing program	Improve pedestrian safety and accommodation for all users	Local	\$900K	\$900K	1, 4
Downtown parking feasibility study	Evaluate existing and future parking needs in downtown and identify options for addressing these needs	Regional, local	\$75K	\$38K	1, 2, 3, 4, 6
61 st Ave sidewalk replacement (east side)	Improve pedestrian safety and accommodation for all users	Local	\$2.1M	\$2.1M	1, 4
Neighborhood transportation plans	Develop plans that address neighborhood specific mobility challenges, including safety and circulation of all modes.	Local	\$1.5M	\$1.5M	1, 2, 3, 4, 6
Arterial restriping to add bike lanes on 73 rd Ave (south of 192 nd), 80 th Ave, and Simonds Rd	Improve bicycle and pedestrian safety along key city arterials within existing right-of-way	Local	\$360K	\$360K	1, 3, 4
Juanita Drive (NE 143 rd St to NE 155 th Pl)	Improve bicycle/pedestrian safety along Juanita Drive, connecting between Kirkland and 155 th	Regional, local	\$6.5M	\$3.2M	1, 2, 4
Feasibility study for grade-separated crossing of SR 522	Understand infrastructure constraints and opportunities for next project	Local	\$250K	\$250K	1, 2, 4
68 th Ave queue jump lane	Improve local/regional circulation by improving the efficacy of 68 th /SR522 intersection in moving vehicles	Regional, local	\$2.6M	\$500K	1, 2, 3, 6
175 th Swamp Creek Bridge	Safely accommodate all users by rebuilding aging bridge; maintain freight mobility	Local	\$810K	\$80K	1, 6
Total			\$53.9M	\$15.1M	
Longer Term (7-20 year) Projects					
Yellow standard pedestrian facilities (see Figure 20)	Improve pedestrian facility coverage (at least on one side of the street) on non-local streets and near schools	Local	\$18.9M	\$18.9M	1, 4
Yellow standard bicycle facilities (see Figure 21)	Improve safety and comfort for people biking around the City. Better connects Burke Gilman Trail with neighborhoods.	Local	\$18.8M	\$15.0M	1, 2, 4
Improved pedestrian crossings	Improve safety of pedestrians crossing busy streets, as well as near schools and transit stops; improved access to transit	Local	\$650K	\$650K	1, 2, 3, 4



Longer Term (7-20 year) Projects					
Grade separated SR 522 crossing	Improve local circulation, while relieving pressure on regional system; provide better options for walking/biking across SR 522	Regional, local	\$17.1M	\$3.4M	1, 2, 3, 4, 6
Intersection treatments at 67 th Ave/181 st St and 67 th Ave/175 th St	Intersection treatments necessary to accommodate increased volumes related to the grade separated crossing	Local	\$6.0M	\$1.2M	1, 2, 3, 4, 6
Intersection treatment at 73 rd Ave/192 nd St, 80 th Ave/192 nd St, and 84 th Ave/Simonds Rd	Intersection treatment to improve safety and vehicle operations; would become necessary as traffic volumes grow	Regional, local	\$3.8M	\$1.9M	1, 4, 5
Lakepointe Drive west (SR 522 to 68 th Ave), including new intersection at 68 th Ave	Improve local circulation, while relieving pressure on the regional system; providing more appealing options for travel in southwest downtown quadrant	Local	\$7.5M	\$3.7M	1, 2, 3, 4, 6
175 th signal removal	Remove signal and make right in/right out only to improve safety	Local	\$20K	\$20K	1, 2, 3, 4, 6
Total			\$72.8M	\$44.8M	
Beyond 20 Year Vision					
Lakepointe Drive east (68 th Ave to SR 522)	This project would only be needed if the southeast quadrant fully develops	Local	\$7.5M	\$3.7M	1, 2, 3, 4, 6



Figure 21: Yellow Standard Pedestrian Facilities

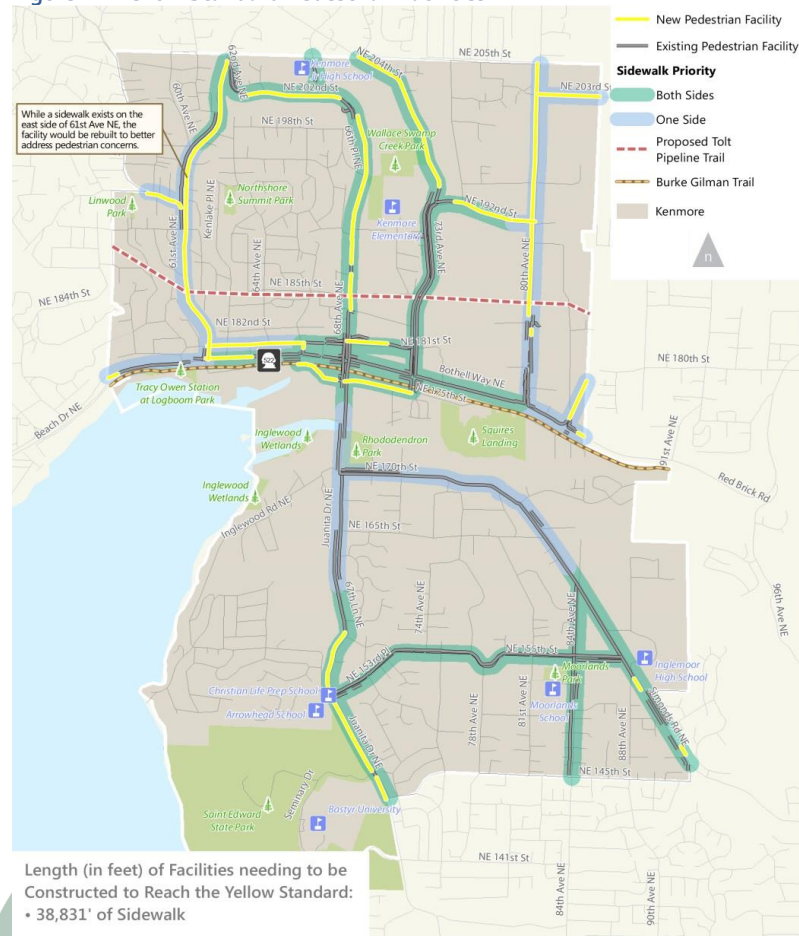
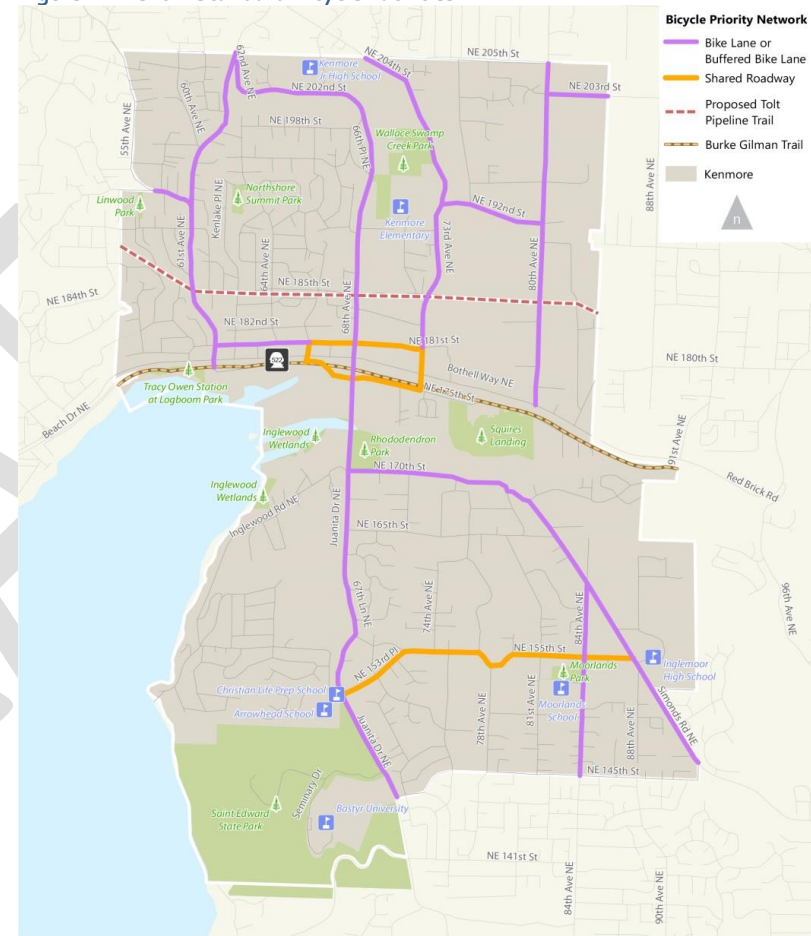


Figure 22: Yellow Standard Bicycle Facilities



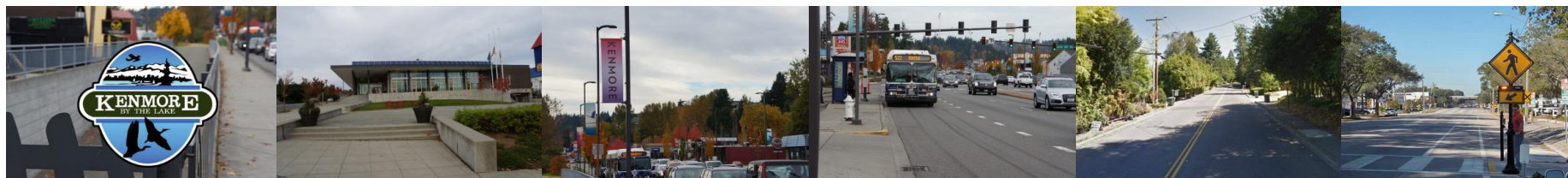
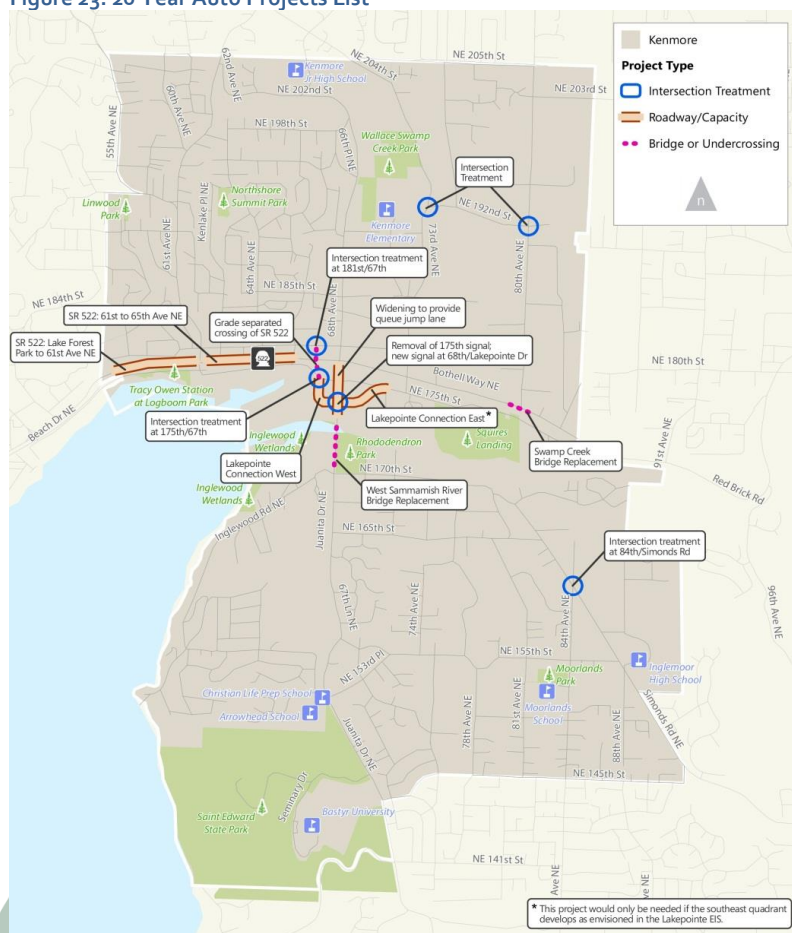


Figure 23: 20 Year Auto Projects List



While the scope of the 20-year project list exceeds revenues from exclusively city sources over the next few decades, it has been sized to fit within reasonable assumptions for grants and other outside funding sources.

NON-CITY PROJECTS

STATE FACILITIES

There are projects outside of Kenmore's purview that will also affect travel in and around the City. WSDOT oversees planning and operations of SR 522, a Highway of Statewide Significance and Kenmore's major east-west corridor. The City coordinates with WSDOT and provides input on potential roadway projects on SR 522, but the State ultimately has control of this corridor.

Another State-controlled project affecting travel in Kenmore is the tolling of the SR 520 Bridge across Lake Washington. Future increases in this toll, or potential tolling of I-90 (which has also been discussed), may cause additional drivers to divert along Lake Washington, adding volume to Kenmore's already busy 68th Avenue / Juanita Drive and SR 522 corridors. The City will continue to monitor congestion changes along these corridors and work with the State to identify potential solutions.

DOWNTOWN DEVELOPMENT SOUTH OF SR 522

The southern two downtown quadrants between SR 522 and the Sammamish River (including the Lakepointe properties, Glacier/Cal Portland properties and properties within the Plywood Supply Special Study Area) have long been envisioned as sites for future master planned urban mixed-use development. These properties are subject to additional development regulations called P-Suffix regulations. P-Suffix regulations are property specific and include requirements for transportation infrastructure improvements that would need to be in place to accommodate full development.

Transportation infrastructure improvements described within the P-Suffix regulations include:

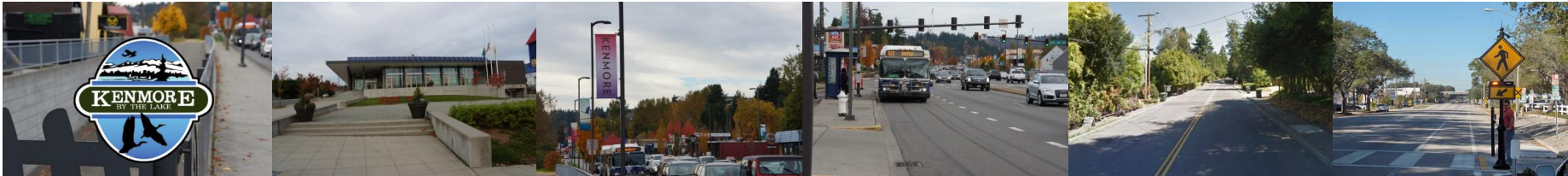
- Construction of a new road (Lakepointe Drive) from 65th Avenue/SR522 to 68th Avenue NE
- Extending Lakepointe Drive east of 68th Ave NE



- Construction of the new Lakepointe Drive/68th Avenue intersection, including a new traffic signal.
- Elimination of the signal at 175th Street/68th Avenue.
- Installation of a signalized full-access intersection at 65th Avenue/SR 522.
- Construction of a pedestrian overcrossing of SR 522.

This Transportation Element does not assume that all of these properties will fully buildout within the 20 year horizon. Thus, many of the projects described above are not assumed within the 20 year horizon of this plan. Recognizing that the properties could eventually fully develop, the above projects are reflected in this plan as longer-term projects.





CHAPTER 6: IMPLEMENTING THE TRANSPORTATION ELEMENT

The recommended projects and programs of the Transportation Element were developed by travel mode, as described in previous chapters. Implementing the Transportation Element will require close coordination among the City departments, citizens, businesses, and other agencies within the region.

In order to guide the City’s implementation of the plan, priority should be assigned to assist in assembling an updated six-year Capital Improvement Program (CIP), working toward the 2035 planning horizon. This chapter summarizes the recommended plan and documents the criteria used to prioritize projects.

The Transportation Element is a living document and serves as the blueprint for transportation in Kenmore over the next several years. Realistically, the plan is most useful over the next five years, at which point it should be updated. Several implementation steps should be initiated over the next couple of years to determine if changes are needed, or to reaffirm a particular strategy.

OVERVIEW OF COSTS AND REVENUES

A key GMA planning requirement is the concept of fiscal restraint in transportation planning. A fiscally constrained Transportation Element must first allow for operation and maintenance of existing facilities, and then capital improvements. To introduce fiscal constraint into the plan, an inventory of revenues and costs was undertaken to identify funds that are likely to be available for capital construction and operations.

The proposed Transportation Element for the City of Kenmore contains a variety of projects that will likely cost the city between \$67 and \$117 million over 20 years. **Table 8** summarizes the costs of the major types of transportation improvements. The Transportation Element focuses on capital projects that will complete the layered network plan. The plan also includes ongoing pavement maintenance to ensure that the roadway network is kept in good condition.

Table 8: Costs of Kenmore Transportation Element (20+ years)

Project Needs	Description	Total Cost	Expected City Cost
Auto/Truck Priority Projects	Bridges, traffic signals, intersection channelization, SR 522 improvements	\$40-50M	\$5-10M
Pedestrian Projects	Sidewalks, crossings	\$20-30M	\$20-30M
Bicycle Projects	Bike boulevards, bike lanes, crossings	\$15-20M	\$12-17M
Multimodal Projects	Multimodal corridors, SR 522 crossings	\$40-50M	\$10-20M
Pavement Maintenance	Overlay and pavement repair	\$20-40M	\$20-40M
Total		\$135-190M	\$67-117M

*Costs denoted in millions

It is worthwhile to note that the City of Kenmore has spent around \$5 million annually for transportation capital and operations. Revenues include those from outside sources and grants, general city funds, real estate excise taxes, impact fees, and gas tax receipts. If the city were able to maintain this level of revenue, the City could afford around \$100 million in transportation projects over the next 20 years.

The comparison of revenues to costs indicates that the city will need to carefully prioritize its projects, since not all of the transportation needs are likely to be affordable with existing revenue sources during the 20-year period. If this occurs, the City has several options:

- Increase the amount of revenue from existing sources, including impact fees, real estate excise taxes, transportation benefit district, or increased general fund revenues.
- Adopt new sources of revenue (see text box on following page).



- Lower the level of service standard, and therefore reduce the need for some transportation improvements.

WHAT ARE POTENTIAL NEW REVENUE SOURCES?

- Proceeds from General Obligation Bonds
- Creation of Local Improvement Districts
- Reciprocal impact fees with adjacent jurisdictions
- Business license fee per employee

The city can explore the feasibility and likely revenue amounts from these or other sources as the plan is implemented over the next several years.

Note that the city could also weigh changing the land use element to reduce the amount of development planned (and thus reduce the need for additional public facilities). However, in a community such as Kenmore that is largely built out, land use changes would not likely result in reduced facility needs.



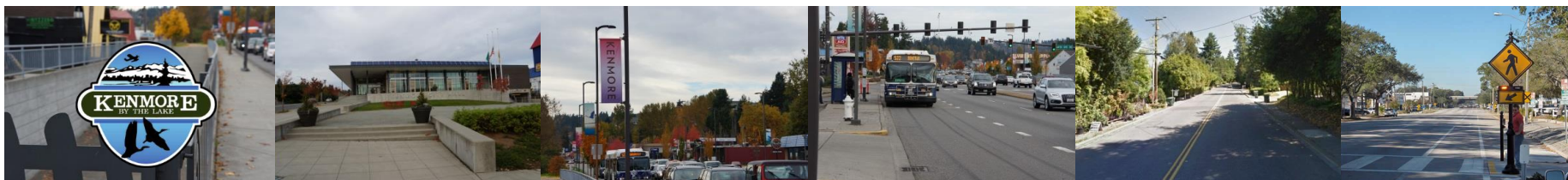
SETTING PRIORITIES

Project prioritization is needed to help identify when best to fund and implement the projects since funding is limited. Criteria were established to help prioritize the projects and implementation. These criteria, not listed in any priority order, are identified in the text box below.

CRITERIA FOR PROJECT PRIORITIZATION

1. Meets City's transportation goals:
 - **Goal 1:** Provide a complete transportation network serving local and regional circulation needs, safely accommodating all users.
 - **Goal 2:** Coordinate with other regional entities to develop and operate the transportation system.
 - **Goal 3:** Promote a transportation system that contributes to fiscal and environmental sustainability.
 - **Goal 4:** Encourage transportation options and strategies that reduce the need for driving.
 - **Goal 5:** Maintain safe air travel services in Kenmore.
 - **Goal 6:** Facilitate freight mobility and economic prosperity.
2. Maintains/improves safety of traveling in Kenmore
3. Provides tangible benefits to Kenmore residents
4. Leverages non-city (federal, state, private) funds freeing up city revenues for additional projects

Using these criteria, the recommended projects will need to be evaluated and ranked based on how well each could meet the criteria. Since one of the criteria relates to funding availability, priorities may shift over time as fund sources change.



High priority projects for Kenmore are those that meet multiple criteria in terms of effectiveness, benefit to the community, and ability to be implemented. These attributes will allow the City to take advantage of a variety of public and private funding sources to complete key projects.

MONITORING AND EVALUATION

The Transportation Element is a long-range plan that enables the City to plan for its current and future transportation needs. Nonetheless, the transportation network is dynamic, constantly changing due to circumstances beyond the scope and influence of this plan. Hence, regular updates are necessary to ensure the plan remains current and relevant. The Transportation Element includes the following actions to monitor and evaluate the progress of implementing the plan.

BI-ANNUAL MOBILITY REPORT CARD

A bi-annual mobility report card will be developed to document progress towards plan implementation and to monitor the transportation system performance. The City will use this information to inform the public regarding the City's actions, and results, related to the Transportation Element. The report card will also provide a basis for future updates of the Transportation Element.

The report card is expected to report on the following topics:

- Land Use and Transportation Trends – These data will describe general land use and transportation trends within Kenmore. Information will include:
 - Current population and employment levels and growth rates,
 - Summary of yearly development activity, and
 - Summary of growth in traffic volumes, transit service and other trends
- Transportation Performance – These data will focus on documenting the current performance of the transportation system, by mode. Information will include:

- Transit route ridership (from KC Metro and Sound Transit)
- Park-and-ride lot utilization
- On-street parking utilization in downtown and nearby park-and-ride locations
- Traffic volumes
- Collisions
- Traffic level of service (auto/truck priority corridors)
- Pedestrian and bicycle volumes
- Pavement Maintenance Ratings
- Project Implementation Status – These data will summarize the city's progress towards implementing the priority network improvements recommended in the Transportation Element. Information is expected to include:
 - Auto/truck facilities constructed
 - Pedestrian facilities constructed
 - Bicycle facilities constructed
 - Miles of Pavement overlays

The report card will provide the necessary information to help the city adjust transportation priorities and to facilitate updates to the Transportation Element every few years.



City of Kenmore Transportation Element

DRAFT - August 2014

Prepared by

FEHR & PEERS

1001 - 4th Avenue
Suite 4120
Seattle, WA 98154
206.576.4220

Some photos in this document courtesy of: Livable Walkable Communities

Appendix C – Transportation Element Goals and Policies

OVERALL VISION, GOALS, OBJECTIVES, AND POLICIES

For this Transportation Element Update, the City has adopted goals, objectives, and policies, with each category serving a different purpose.

Goals are aspirational in nature and cannot be enacted on their own, but rather must be broken into more focused, well-defined components. They are overarching themes that organize the more detailed Objectives and Policies and combine to form the Overall Vision.

Objectives are the next step in specificity. They approach a portion of a Goal and define it in a way that can be enacted, measured, or otherwise accomplished in a concrete way. Objectives also help organize Policies into distinct categories that form each Goal.

Policies are the actionable items that the City must complete in order to accomplish each Objective in service of a Goal. Policies have a measurable outcome and detail the exact steps or processes that the City must follow to reach the Overall Vision.

OVERALL VISION

Provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth.

Goal T-1

Provide a complete transportation network that serves local and regional circulation needs and safely accommodates all users.

Goal T-2

Coordinate with local, regional, state, and federal agencies as well as non-governmental entities to develop and operate the transportation system.

Goal T-3

Promote a transportation system that is sustainable from both fiscal and environmental perspectives with participation from both the public and private sectors.

Goal T-4

Encourage public transportation, non-motorized travel, and other transportation strategies that reduce the need for automobile travel, especially by single-occupant vehicles (SOV).

Goal T-5

Maintain the availability of safe air travel services in Kenmore.

Goal T-6

Provide a transportation system that facilitates freight mobility and economic prosperity.

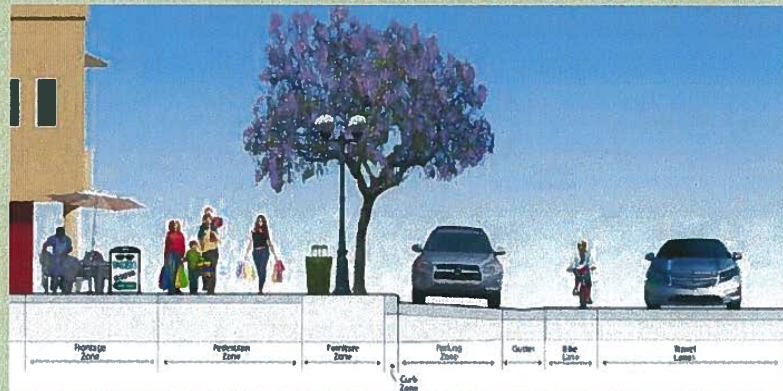
Goal T-1

Provide a complete transportation network that serves local and regional circulation needs and safely accommodates all users.

- Objective T-1.1: Develop and maintain a *Layered Network* recognizing that not all streets provide the same quality of travel experience. Classify streets as *State Highways, Boulevards, Urban Avenues, Neighborhood Connections, and Local Streets*.
 - Policy T-1.1.1: Ensure that the Layered Network continues to provide for all varieties of street uses including: regional mobility and cross-town trips, commuting, shopping, and recreational travel, property and business access, and parking, regardless of mode.
 - Policy T-1.1.2: Guide the development of new streets and maintenance of existing streets to form a well-connected network that realizes the *Future Roadway Network* and provides for safe, direct, and convenient access to the existing roadway network for automobiles, bicycles, and pedestrians.
 - Policy T-1.1.3: New residential development should be consistent with the *Future Roadway Network* and new streets or extensions should be publicly owned. Cul-de-sac construction should require the approval of the City engineer.
 - Policy T-1.1.4: Develop a *Street Planning Toolkit* that recognizes and balances the competing needs of mobility and safety in residential neighborhoods.
 - Policy T-1.1.5: Coordinate with park-and-ride and transit service providers to pursue improvement projects that are consistent with the *Layered Network* and which benefit transit users in Kenmore.
 - Policy T-1.1.6: Continue to enhance the City's *Layered Network* by using the following methods:
 - a. Require dedication of rights-of-way as a condition for development when the need for such rights-of-way is linked to the development or where shown on the *Future Roadway Network*;
 - b. Request donations of rights-of-way to the public;
 - c. Purchase rights-of-way in accordance with State laws and procedures; and
 - d. Acquire development rights and easements from property owners.
 - Policy T-1.1.7: Maintain criteria to consider street vacations. Criteria should address:
 - a. State laws regarding street vacations;

- b. Consistency with the *Layered Network*, including the effects of the street vacation on existing and future circulation;
 - c. Ability to utilize excess right-of-way for other public purposes such as parks, recreation, waterfront access, view points, or affordable housing;
 - d. Public benefit of the street vacation; and
 - e. Fair compensation.
- Objective T-1.2: Design and maintain streets consistent with the community vision.
 - Policy T-1.2.1: Consider the environmental consequences of street design standards and maintenance practices. When preparing City-sponsored street or driveway design projects or reviewing development proposals the City should follow steps outlined in the *Street Planning Toolkit*.
 - Policy T-1.2.2: Require new development to minimize and consolidate access points along all principal and minor arterials, but especially along SR 522 and any new arterials that may be developed. Coordinate this effort with local businesses, property owners, and WSDOT.
 - Policy T-1.2.3: Protect rights-of-way from encroachment by structures, fences, retaining walls, substantial landscaping, or other obstruction to preserve the public's use of the right-of-way, safety, and mobility. Protection methods may include minimum setback requirements for property improvements allowing future roadway expansion, street use agreements, and development of specific guidelines regarding installation and maintenance of landscaping within the public right-of-way.
 - Policy T-1.2.4: Maintain a right-of-way use permit application process and criteria to ensure that temporary development and utility construction activities do not create adverse safety, environmental, or traffic impacts.

When planning for new streets or redesigning existing ones, the City should select uniform designs and maintenance methods that create a safe, effective, environmentally sensitive, and welcoming transportation system for all users in line with other Comprehensive Plan policies. Throughout this process, the City must consider the various financial and non-financial costs of development and operation of the transportation system in addition to the concerns of interested parties.



- Align and locate transportation facilities away from environmentally sensitive areas, consistent with other Comprehensive Plan policies;
- Mitigate significant environmental impacts whenever possible;
- Whenever possible, incorporate the use of native grasses, shrubs, and trees, drought-resistant species, and pervious pavement in the design of streets, landscape strips, and medians.
- Enhance the safety of pedestrians, bicyclists, and motorists through sidewalk and on-street facility location, design, and maintenance, lighting requirements, signs, lane widths and geometrics, and access to properties using the *Layered Network* as a guide.
- Consider the conflicts between different users in the design of multi-purpose paths, including the use of separate paths, striping different lanes for pedestrians and cyclists, speed limits, and increased use of protected bicycle facilities on streets to provide additional options for cyclists.
- Establish parking standards that discourage excessive parking through shared parking, demand studies, and other incentives or requirements to reduce underutilized parking lots and encourage alternate modes of travel.

- Objective T-1.3: Improve street safety and function.
 - Policy T-1.3.1: Continue to collect data on traffic counts and collisions to support studies, operational changes, and designs; enhance efforts when possible.
 - Policy T-1.3.2: Concentrate collision analysis at the most critical locations through identifying areas with a high number of incidents.
 - Policy T-1.3.3: Include emergency service providers in review of roadway designs to ensure emergency vehicle passage. Design considerations include dead-end street lengths, turn-arounds, travel lane widths, maximum road grades, and parking location.
 - Policy T-1.3.4: Develop a strategy that addresses education and enforcement measures to improve safety conditions for pedestrians and bicyclists on Kenmore's streets.
- Objective T-1.4: Develop a transportation system that achieves the following level of service (LOS) metrics:
 - **Vehicular LOS:** boulevards should exhibit LOS E or better, urban avenues and neighborhood connections LOS D or better, and local streets LOS C or better. LOS along SR 522 and 68th Avenue / Juanita Drive will be measured as average delay at the corridor level rather than the intersection level.

PEDESTRIAN LOS – SIDEWALK REQUIREMENTS

LOS	Within Pedestrian Priority Network
	Pedestrian facility* where indicated in Pedestrian Priority Network, with a buffer
	Pedestrian facility* provided on one side of the street
	No pedestrian facility

*Pedestrian facility includes sidewalks and shoulders protected by a raised curb.

City of Kenmore Transportation Element Update
Summer 2014

BICYCLE LOS – FACILITY REQUIREMENTS

LOS	Within Bicycle Priority Network
	Provides recommended treatment* recommendation, as shown within Bicycle Priority Network
	Provides a lower-level facility* than recommended in the Bicycle Priority Network
	No Facility

*Bicycle facilities – lowest-level to highest-level of treatment: shared; bike lanes; buffered bike facility; separated trail.

TRANSIT PRIORITY CORRIDOR LEVEL OF SERVICE

LOS	Transit Stop Amenities	Pedestrian Access	Frequency of Service
	High level	Sidewalks and marked crosswalks serving stops	All day service. Peak service 15 minutes or less, midday 30 minutes or less
	Some amenities	Sidewalks and marked crosswalks serving some stops	All day service. Peak services 30 minutes or less, midday service 60 minutes or less
	Little or no amenities	General lack of sidewalks and marked crosswalks	Low level of service

- Objective T-1.5: Perform periodic review and monitoring (every 2-4 years) of the transportation system to ensure it adequately serves existing and future land uses.
 - Policy T-1.5.1: Forecast travel to identify needed transportation improvements. The forecasts should:
 - a. Account for expected changes in personal travel behavior and feasibility of mode choices;
 - b. Use current data and policies;
 - c. Be compatible with other jurisdictions; and
 - d. Reflect the Vision Statement and land use policies.
 - Policy T-1.5.2: Identify the improvements and strategies needed to fully implement the City's *Layered Network* and meet the level-of-service requirements for transportation.
 - Policy T-1.5.3: Monitor growth in population and employment in relation to the land use and growth assumptions of the Transportation Element.

*City of Kenmore Transportation Element Update
Summer 2014*

Reassess the Land Use and Transportation Elements as needed to ensure that planned improvements will address the potential impacts of growth.

- Policy T-1.5.4: Require construction of necessary transportation improvements from the private or public sector at the time of development or within six years of development.

Goal T-2

Coordinate with local, regional, state, and federal agencies as well as non-governmental entities to develop and operate the transportation system.

- Objective T-2.1: Support and complement the transportation functions of the State of Washington, transit agencies, and other entities responsible for transportation facilities and services to meet Kenmore's needs.
 - Policy T-2.1.1: Coordinate planning, construction, and operation of transportation facilities and programs with the State, Counties, neighboring cities, Puget Sound Regional Council, Metro, Sound Transit, and other entities. This coordination will be achieved by:
 - a. Participating in the transportation-related activities of King County and advisory committees;
 - b. Working with other jurisdictions to plan, fund, and implement multi-jurisdictional projects necessary to meet shared transportation needs; and
 - c. Making transportation decisions consistent with the transportation plan and with the State, Puget Sound Regional Council, transit agencies, King County, Snohomish County, and neighboring jurisdictions.
 - Policy T-2.1.2: Support increased transit service for the Kenmore Town Center area based upon existing and future population and employment densities.
 - Policy T-2.1.3: Work with private property owners to create a loop road circulation system around the Town Center area providing for automobile and non-motorized travel to achieve community identity, housing, community linkages, and economic development goals.
- Objective T-2.2: Cooperate with neighboring cities, King and Snohomish Counties, transit agencies, Puget Sound Regional Council, and the Washington State Department of Transportation to address regional transportation issues.
 - Policy T-2.2.1: In partnership with State, regional and local agencies, address regional transportation issues. These include:
 - a. Regional air, rail, and water transportation facilities and services;

- b. Operation of and improvements to the State highway network, including SR 522;
 - c. Improvements to roadways connecting Kenmore to the surrounding region, including SR 522;
 - d. Improvements to major roadways bordering, yet having an influence upon internal traffic flows within Kenmore, including those located in Snohomish County;
 - e. Improved access to I-5 and I-405 corridors and other employment corridors;
 - f. Regional pedestrian and bicycle facility needs; and
 - g. Transit connections to the region's urban centers.
 - Policy T-2.2.2: Work with neighboring jurisdictions to ensure that new development outside of Kenmore does not unreasonably affect transportation systems, levels of service, and the quality of life in Kenmore. Utilize the following approaches:
 - a. Promote thoughtful planning by neighboring jurisdictions consistent with comprehensive plans; and
 - b. Support the establishment of a regional traffic planning and mitigation payment system.
 - Policy T-2.2.3: Coordinate transit levels of service with King County Metro, Sound Transit, and private transit operators.
- Objective T-2.3: Ensure regional transportation improvements and services are compatible with the Comprehensive Plan and the City's *Layered Network*.
 - Policy T-2.3.1: Continue to take a lead role in the planning, design, and implementation of SR 522 improvements within Kenmore. Encourage multi-agency cooperation (such as WSDOT and Sound Transit) and ensure that improvements in Kenmore are coordinated with adjacent communities, such as Lake Forest Park and Bothell.
 - Policy T-2.3.2: Work with the City of Kirkland to coordinate planned improvements along Juanita Drive.
 - Policy T-2.3.3: In conjunction with WSDOT, study potential improvements along SR 522, including at 68th Avenue and potential future Sammamish River crossings, to address better north-south travel in the community.
 - Policy T-2.3.4: Work with WSDOT to identify and mitigate the impact that reconstruction and toll projects have on Kenmore; particularly on SR 522.
- Objective T-2.4: Work with business leaders, private owners, and other local organizations to support transportation efforts in reaching mutual goals.
 - Policy T-2.4.1: Attract and retain business enterprises to Kenmore by managing traffic growth through multi-modal improvements including:

City of Kenmore Transportation Element Update
Summer 2014

- local and regional transit improvements, carpool and vanpool programs, pedestrian and bicycle improvements, transportation demand management measures, and roadway efficiency improvements.
 - Policy T-2.4.2: Ensure that regulations require appropriate parking for business customers.
- Objective T-2.5: Position Kenmore to respond to technological innovations, such as electric vehicles and driverless cars.
 - Policy T-2.5.1: Coordinate with PSRC and other regional entities to understand regional plans for electric vehicle charging and accommodation of other alternative fuel sources.
 - Policy T-2.5.2: Review vehicle regulations periodically to ensure accordance with current technologies that can support Kenmore's transportation system.

Goal T-3

Promote a transportation system that is sustainable from both fiscal and environmental perspectives with participation from both the public and private sectors.

- Objective T-3.1: Emphasize priorities of the community when reviewing circulation system improvements needed to fully implement the City's *Layered Network*, including addressing safety, maintenance, congestion relief, multi-modal projects, transit, and growth.
- Objective T-3.2: Regularly prepare and adopt a Six-Year Transportation Improvement Program to implement the Transportation Element.
 - Policy T-3.2.1: In preparation of specific planning and implementation documents, including the Six-Year Transportation Improvement Program, the City will involve the public, interested agencies, and other jurisdictions through a clearly stated process that provides opportunities for review and comments regarding the City's priorities and recommendations.
 - Policy T-3.2.2: Ensure that plans consider the best available lifecycle cost of an improvement, including operation and maintenance costs; environmental, economic, and social impacts; and any replacement or closure costs.
- Objective T-3.3: Leverage City resources and secure adequate funding sources for transportation improvements and services through a variety of mechanisms, including those required as a result of development.
 - Policy T-3.3.1: Seek to secure adequate funding sources for transportation through a variety of methods. These methods may include:
 - a. Seeking federal and state funds;

- b. Encouraging public/private partnerships for financing transportation projects that remedy existing transportation problems or foster economic growth in Kenmore;
 - c. Encouraging the use of Local Improvement Districts (LIDs) by property owners to upgrade roads to meet City road standards; and
 - d. Requiring impact fees for new development.
- Policy T-3.3.2: Ensure shared responsibility of mitigating development impacts between the public and private sector. Require that developers contribute their fair share toward transportation improvements needed to accommodate development. Impact mitigation efforts may include:
 - a. Requiring developers to assist in providing additional transportation facilities and services in proportion to the impacts and needs generated by the development;
 - b. Encouraging developers to design projects that generate less traffic; and
 - c. Requiring impact fees for new development.
- Objective T-3.4: Ensure improvements to the transportation network occur concurrently with development
 - Policy T-3.4.1: Allow development only when those proposals are concurrent with specific documentation or plans showing how the transportation system can adequately support existing and proposed development needs.
- Objective T-3.5: Cooperate regionally and strive locally to improve air quality and surface water quality.
 - Policy T-3.5.1: Support ongoing efforts for improving air quality throughout the Kenmore area and develop a transportation system compatible with the goals of the Federal and State Clean Air Acts. The City will:
 - a. Support vehicle emissions testing and cleaner burning fuels;
 - b. Coordinate with King County Metro, Sound Transit, and other jurisdictions on Commute Trip Reduction programs for major employers in Kenmore; and
 - c. Promote Transportation Demand Management programs.
 - Policy T-3.5.2: Design roadway improvements to be consistent with the City's Surface Water Management Plan and stormwater regulations. Install permeable pavements and biofiltration swales where possible to reduce runoff.
 - Policy T-3.5.3: Support travel modes that minimize air pollutants and greenhouse gas emissions.

Goal T-4

Encourage public transportation, non-motorized travel, and other transportation strategies that reduce the need for automobile travel, especially by single-occupant vehicles (SOV).

- Objective T-4.1: Support expansion of local and regional transit service within Kenmore that provides linkages to regional destinations.
 - Policy T-4.1.1: Examine the opportunities for increasing transit service with Metro and Sound Transit with priorities tailored to meet the needs of the community by:
 - a. Supporting additional routes or connections to surrounding communities and employment centers;
 - b. Requiring transit facilities as mitigation where appropriate for new developments;
 - c. Identifying and developing locations that are accessible to public transportation for use as park-and-pool or park-and-ride lots;
 - d. Requiring adequate right-of-way, sidewalk, and roadway improvements where transit stops are located; and
 - e. Adopting design standards that promote safety and aesthetics in accordance with the *Street Planning Toolkit*.
 - Policy T-4.1.2: Work with Metro and other transit providers to establish a local circulator transit service that provides intra-community transit service, connecting north and south Kenmore. The local circulator service would provide connections to the Town Center, major commercial and mixed centers in Kenmore, park-and-ride lots, and other key destinations.
 - Policy T-4.1.3: Maintain HOV lanes on SR 522 for use by transit and business access only to encourage transit usage and improvements, and to preserve its use for transit over the long term.
- Objective T-4.2: Work with King County and transit agencies to provide appropriate locations and encourage maximum usage of park-and-ride facilities.
 - Policy T-4.2.1: Design structured parking facilities with ground floor retail to encourage transit-oriented development, improve transit access to support the downtown plan, and improve and encourage non-motorized travel to and from park-and-ride lots.
 - Policy T-4.2.2: Explore the potential for joint use of park-and-ride lots with the public and private sectors for commercial and residential use.
- Objective T-4.3: Create a sidewalk and pedestrian trail network linking neighborhoods, the Town Center, and key community destinations consistent with that laid out in the *Pedestrian Priority Network*.

- Policy T-4.3.1: Focus early sidewalk improvements on the *Pedestrian Priority Network*. The first priority should be completing the sidewalk system on *Urban Avenues*.
- Policy T-4.3.2: Prioritize future pedestrian facility improvements that increase pedestrian safety, link to key destinations, promote multi-modal trips, improve conditions for the elderly and persons with disabilities, maintain safe condition of existing sidewalks, and meet other priorities for pedestrians in Kenmore.
- Policy T-4.3.3: Require development to provide additional sidewalks along both sides of streets or on one side of the roadway in return for contribution to a sidewalk fund to complete missing links, increase pedestrian safety, and provide linkages to key destinations in accordance with the *Pedestrian Priority Network*.
- Policy T-4.3.4: Based upon the City's sidewalk inventory, denote some neighborhoods and the streets within them as "sidewalk free", considering the criteria laid out in the *Pedestrian Priority Network*. Also establish a mitigation fee system applicable to new development in "sidewalk free" areas to complete critical sidewalk links along adjoining streets or desirable trails.
- Policy T-4.3.5: As part of the *Pedestrian Priority Network*, provide crosswalks at key locations such as in the Town Center, on SR 522 near park-and-ride lots and transit stops, near schools, and at other locations with significant pedestrian volumes.
- Objective T-4.4: Create a comprehensive *Bicycle Priority Network* in Kenmore.
 - Policy T-4.4.1: Require roadway development along the *Bicycle Priority Network* to include bicycle facilities.
 - Policy T-4.4.2: Prioritize future bicycle facility improvements that increase safety for bicyclists, link to key destinations, promote multi-modal trips, complete gaps in the existing bicycle system, provide linkages to the Burke-Gilman Trail and other key off-road facilities, and meet other priorities for bicyclists in Kenmore.
 - Policy T-4.4.3: Encourage off-road non-motorized vehicle facilities on designated trails. Promote the on-going maintenance and use of the Burke-Gilman Trail.
 - Policy T-4.4.4: Promote non-motorized vehicle trails in utility corridors such as the Tolt Pipeline where consistent with environmental constraints.
 - Policy T-4.4.5: Allow for a secondary pedestrian and bicycle loop around the downtown area with waterfront connections.

- Policy T-4.4.6: Accommodate bicycles and non-motorized vehicles in the design and management of the City's *Layered Network* in accordance with the *Bicycle Priority Network*.
- Objective T-4.5: Implement programs and regulations that help reduce the use of single occupant vehicles (SOV).
 - Policy T-4.5.1: Create and implement development standards that:
 - a. Encourage continuous, direct, convenient non-motorized linkages;
 - b. Provide sufficient illumination in parking lots and along travel routes to increase visibility and security for non-motorists;
 - c. Minimize front yard parking along commercial street fronts, particularly in the Town Center;
 - d. Establish parking standards that discourage excessive parking through shared parking, demand studies, and other incentives or requirements, to reduce underutilized parking lots and encourage alternate modes of travel;
 - e. Promote mixed-use development in the Town Center; and
 - f. Require minimum densities through floor area ratios, employment levels, and / or business retention and expansion activities in the Town Center and major commercial areas to support transit.
 - Policy T-4.5.2: Prepare a Commute Trip Reduction Ordinance applicable to large employers in accordance with State laws.
 - Policy T-4.5.3: Support the goals of the Puget Sound Regional Council's Regional TDM Action Strategy to manage travel behavior and reduce vehicle trips.

Goal T-5

Maintain the availability of safe air travel services in Kenmore.

- Objective T-5.1: Support the continued operation of the Air Harbor to provide private air transportation services to the region and community.
 - Policy T-5.1.1: Recognize the Kenmore Air Harbor as a business that is economically and historically significant to the community.
- Objective T-5.2: Plan for appropriate uses and activities in the vicinity to minimize impacts to and from the Air Harbor.
 - Policy T-5.2.1: In consultation with the State and the Air Harbor operator, comply with State laws requiring plans and regulations that discourage the siting of incompatible uses adjacent to the Air Harbor.
 - Policy T-5.2.2: Ensure plans and regulations address the Air Harbor as an allowed use and, where appropriate, acknowledge compatibility issues

including height hazards, safety, and noise that can affect the long-term viability of the Air Harbor. Consider WSDOT guidelines addressing airports and compatible land use. Allow compatible uses, buildings, or land or water activities in the vicinity that do not present safety problems to normal Air Harbor operations, or that would not be sensitive to noise from the Air Harbor operations.

- Objective T-5.3: Work with the Air Harbor to ensure compliance with appropriate noise and safety standards.
 - Policy T-5.3.1: Work in partnership with the Air Harbor to address noise management and compliance with Federal, State and local noise ordinances. Consider a special overlay or property title process that identifies the noise-related impacts of the Air Harbor.
 - Policy T-5.3.2: Work in partnership with the Air Harbor to ensure safe operations in compliance with Federal and State aeronautic safety requirements.

Goal T-6

Provide a transportation system that facilitates freight mobility and economic prosperity.

- Objective 6.1: Support the efficient movement of goods in Kenmore's commercial areas to support the local economy.
 - Policy T-6.1.1: Consider the needs for delivery and collection of goods at local businesses by truck and ensure future transportation improvements address the needs of large trucks on the *Freight Priority Network*.
 - Policy T-6.1.2: Monitor commercial truck traffic to ensure use of appropriate corridors to support efficient movement of goods and safety of local streets. Utilize the WSDOT classification system to determine freight and goods movement routes.
- Objective 6.2: Accommodate local deliveries and other goods movement that is necessary to serve Kenmore residents.
 - Policy 6.2.1: Work with local industries and freight companies to understand their needs for adequately moving goods.
 - Policy 6.2.2: Ensure roadway improvements do not unnecessarily impede delivery vans and other small freight trucks.

Attachment 3

Planning Commission Short-Term Recommendations	
PLANNING COMMISSION RECOMMENDATION	CORRESPONDING AD HOC COMMITTEE RECOMMENDATION
West Sammamish River Bridge	Provide an Improved Bicycle and Pedestrian Facility on the West Sammamish River Bridge
SR 522 Improvements (61 st – 65 th)	Invest in Additional Sidewalk and Walkway Infrastructure
Sidewalk and Crossing Program	Invest in Additional Sidewalk and Walkway Infrastructure
Downtown Parking Feasibility Study	None
61 st Ave Sidewalk Replacement	Invest in Additional Sidewalk and Walkway Infrastructure
Neighborhood Transportation Plans	Create Actionable Neighborhood Transportation Plans
Arterial Restriping to add bike Lanes on 73 rd Ave (South of 192 nd), 80 th Ave, and Simonds Rd	Expand Bicycle Infrastructure
Juanita Drive Phase 1 (Kirkland to 155 th St)	Expand Bicycle Infrastructure AND Invest in Additional Sidewalk and Walkway Infrastructure
Feasibility study for grade-separated crossing of SR 522	Construct an Over/Underpass across SR 522/Bothell Way
68 th Ave Queue Jump Lane	None
175 th Swamp Creek Bridge	None
Planning Commission Long-Term Recommendations	
Yellow standard pedestrian facilities	Invest in Additional Sidewalk and Walkway Infrastructure
Yellow Standard Bicycle Facilities	Expand Bicycle Infrastructure
Improved pedestrian crossings	Develop a Citywide Crosswalk Policy to Install More Marked Crosswalks with Rectangular Rapid Flash Beacons
Grade separated SR 522 Crossing	Construct an Over/Underpass across SR 522/Bothell Way
Intersection treatments at 67 th Ave/181 st St and 67 th Ave/175 th St	None
Intersection treatments at 73 rd Ave/192 nd St, 80 th Ave/192 nd St, and 84 th Ave/Simonds Rd	None
Lakepointe Drive West(SR 522 to 68 th Ave), including a new intersection at 68th Ave	None
175 th Signal Removal	None
20+ Lakepointe Drive East (68 th Ave to SR 522)	None

Exhibit 4



The City of Kenmore

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

MEMO

TO: City Council
Rob Karlinsey, City Manager

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

DATE: October 10, 2014

SUBJECT: Comprehensive Plan Amendments and Rezones for Three Properties

A 2014 Planning Commission docket task was the review of land uses for the former Police Precinct property at 18118 73rd Avenue NE and the former Fire District property at 18030 73rd Avenue NE. The Police Precinct property is now vacant. The Fire District property has been sold and is being remodeled into a Montessori school, after receiving a site specific zoning permit. The Planning Commission is recommending Comprehensive Plan changes and rezoning for these properties, recognizing their transition from public to private use.

The former library property at 18138 73rd Avenue NE—another public facility converted to private use—was rezoned to R18, Residential (multifamily), in 2011, although its Comprehensive Plan designation was not changed. This was possible because of a unique zoning standard in the Public/Semi-Public (PSP) zone that allows properties that are less than one acre in size to be reclassified to the most prevalent zoning district surrounding the property if there is no conflict with the overall intent of the public and private facilities comprehensive plan land use designation. The Planning Commission is recommending amendment of the Comprehensive Plan designation for this parcel to R-18, for consistency's sake.

All three of these properties presently are designated Public and Private Facilities on the Comprehensive Plan Land Use Plan map (see Attachment 1). The implementing zoning for the former Police Precinct and Fire District properties is Public/Semi-Public (PSP) (see Attachment 2). As mentioned, the former library district property is now zoned R-18.

The Planning Commission recommendations are as follows:

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October 10, 2014

Property	Proposed Comprehensive Plan designation	Proposed zoning	Rationale
18030 73 rd Avenue NE (former Fire District)	Split: Downtown Commercial (DC) to the west and R-1, Residential - 1 dwelling per acre, to the east	Split: DC and R-1	• The property is adjacent to DC zoning to the south and west. It is adjacent to R-1 zoning to the east in the area of Swamp Creek. • R-1 zoning is appropriate "on or adjacent to lands with area-wide environmental constraints where development is required to cluster away from critical areas." • The parcel currently is being developed with a nonresidential use that would be permitted under the DC zoning (daycare center)
18118 73 rd Avenue NE (former Police Precinct)	Split: DC to the west and R-1 to the east	Split: DC and R-1	• Presently adjacent to PSP to the south and west, although the parcel to the south is recommended for DC. Adjacent to multifamily and R-1 to the north and east. The R-1 zoning is in the area of Swamp Creek. • R-1 zoning is appropriate "on or adjacent to lands with area-wide environmental constraints where development is required to cluster away from critical areas." • The existing building is likely to house a nonresidential use.
18138 73 rd Avenue NE (former library)	R-18 – Residential – 18 dwellings per acre	Unchanged (R-18)	• The property is surrounded by R-18 zoning and has been rezoned to R-18. • Property owners have expressed interest in developing townhomes.

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Page 3
October 10, 2014

The split between the DC and R-1 designations would occur in the same place it did in years past, before the rezoning to PSP (see Attachments 3 and 4). At that time, the front portion of these parcels was zoned "Office"—a zoning district that no longer exists. The R-1 zone requires density to be transferred from the constrained eastern portion of the parcel to the western portion of the parcel along 73rd Avenue NE. As you can see by looking at the maps, with one exception, the R-1 designation has consistently been applied in the Swamp Creek corridor even if it creates split zoning. Regardless of the zoning line, the critical area and shoreline rules govern development near Swamp Creek and its wetlands.

Attachments

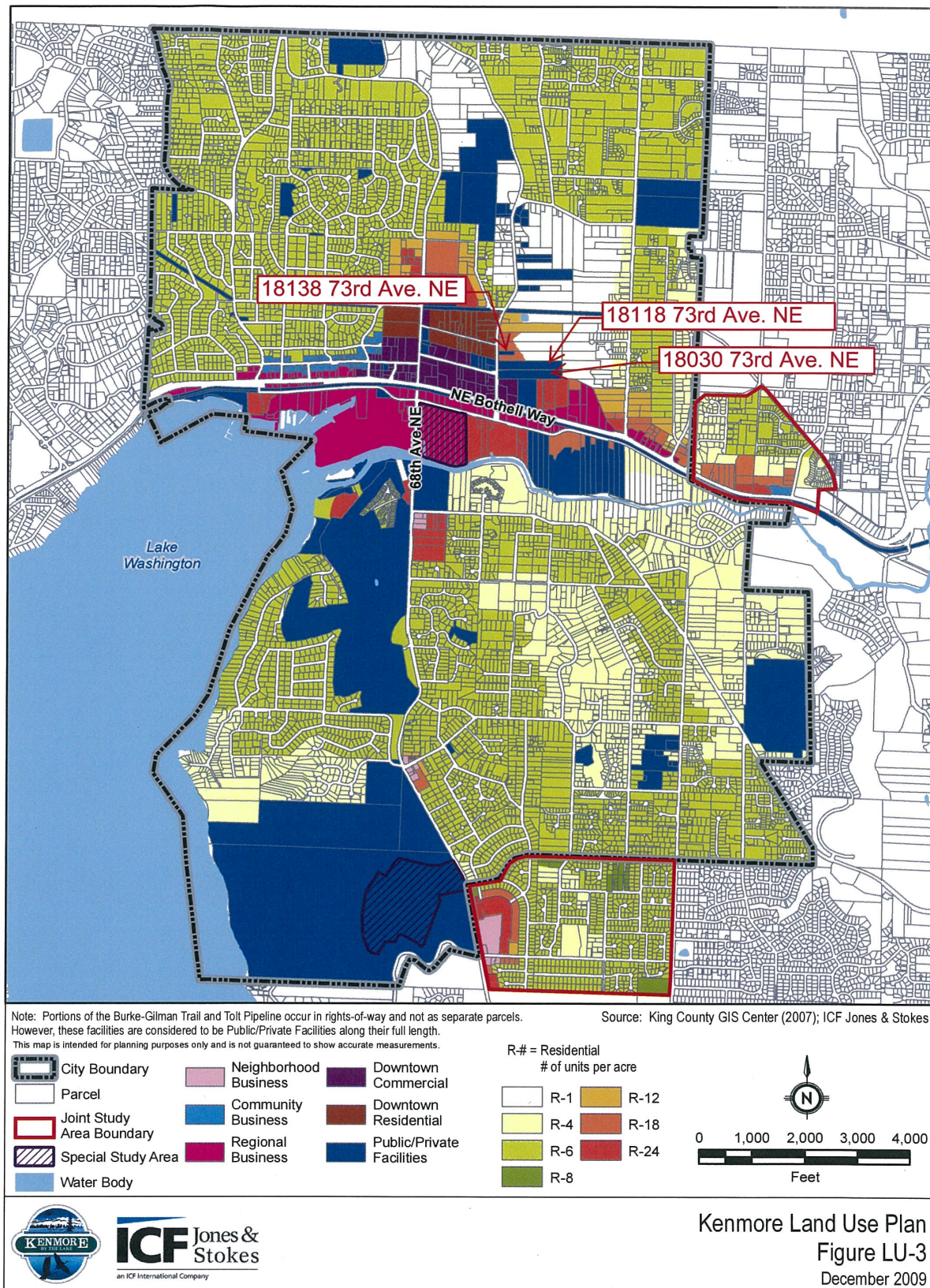
Attachment 1: Current Comprehensive Plan Map

Attachment 2: Existing Zoning Map

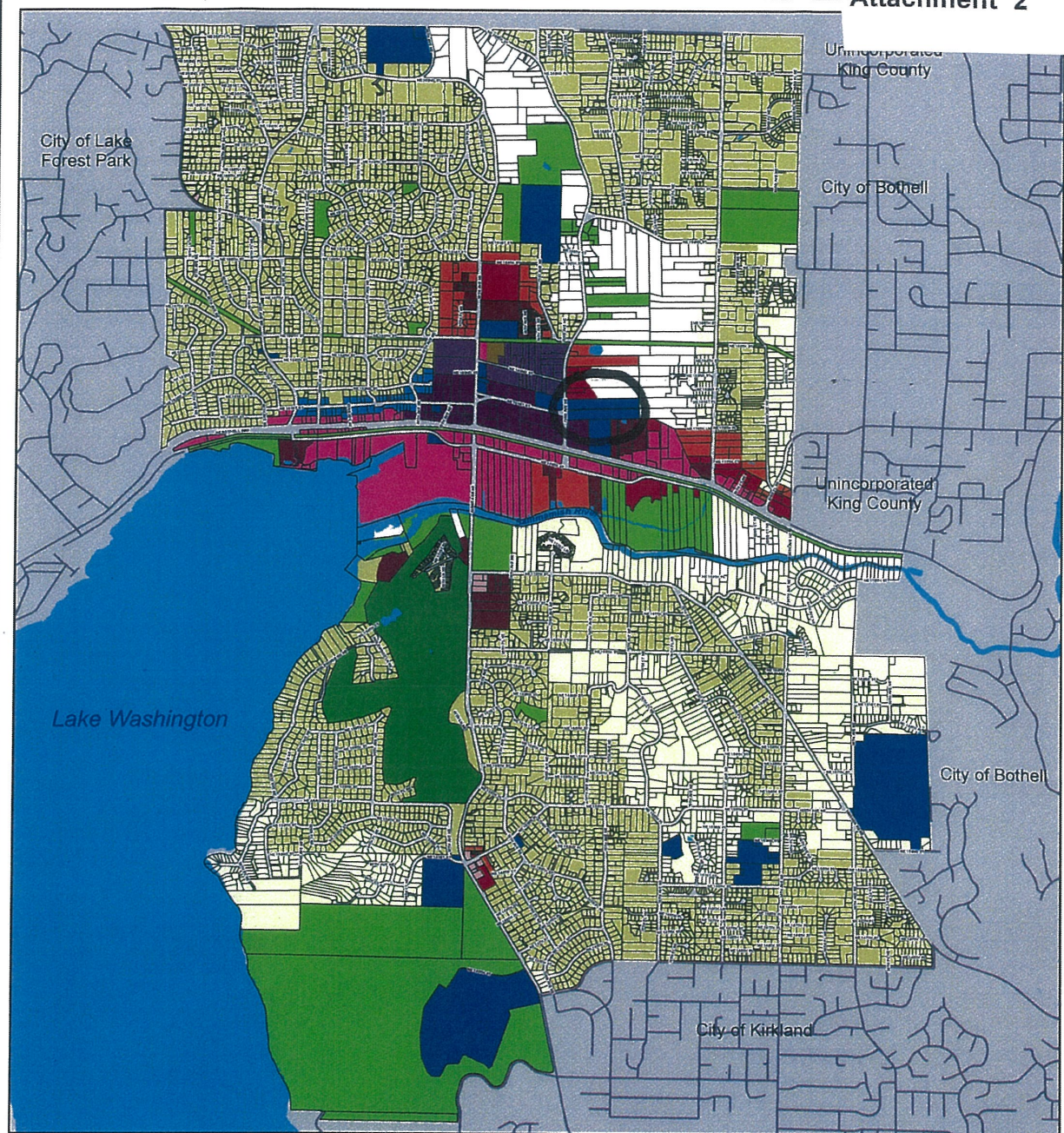
Attachment 3: Zoning Map prior to PSP rezoning (2007)

Attachment 4: Recommended Comprehensive Plan and Zoning Map amendments

Attachment 1



Attachment 2

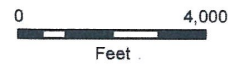


Official Zoning Map | City of Kenmore

Regional Business	Neighborhood Business	R-1 (Residential, 1 Dwelling per Acre)	R-18 (Residential, 18 Dwellings per Acre)
Downtown Commercial	Public / Semi-Public	R-4 (Residential, 4 Dwellings per Acre)	R-24 (Residential, 24 Dwellings per Acre)
Downtown Residential	Parks*	R-6 (Residential, 6 Dwellings per Acre)	R-48 (Residential, 48 Dwellings per Acre)
Community Business	Golf Course	R-12 (Residential, 12 Dwellings per Acre)	

* Portions of the Burke-Gilman Trail & Tolt Pipeline occur in rights-of-way and not as separate parcels. However, these facilities are considered to be Parks along their full length.

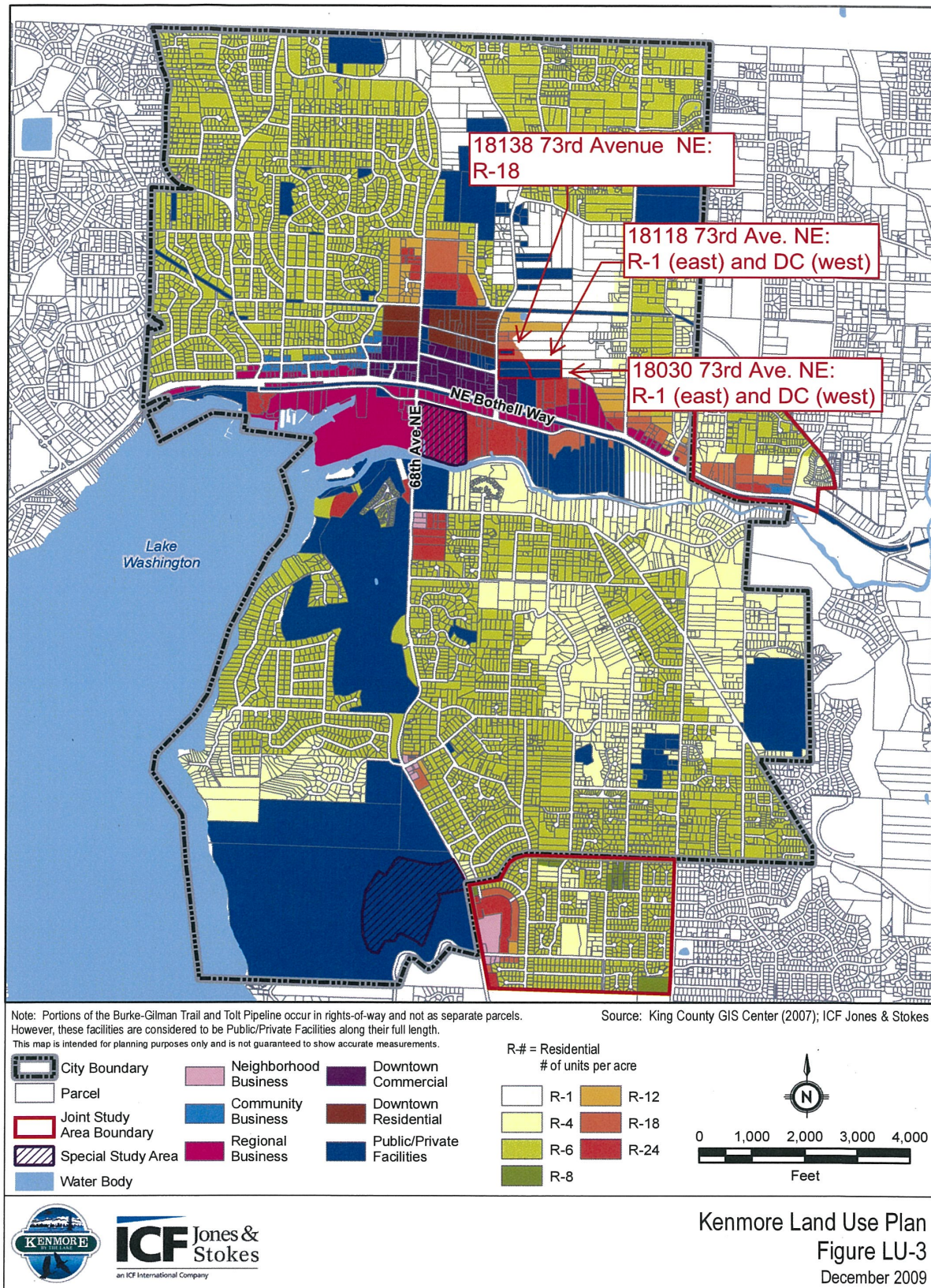
Map Date: May 2011
Amended: June 2012 by Ordinance 12-0341



This map is intended for planning purposes only and is not guaranteed to show accurate measurements.



Attachment 4



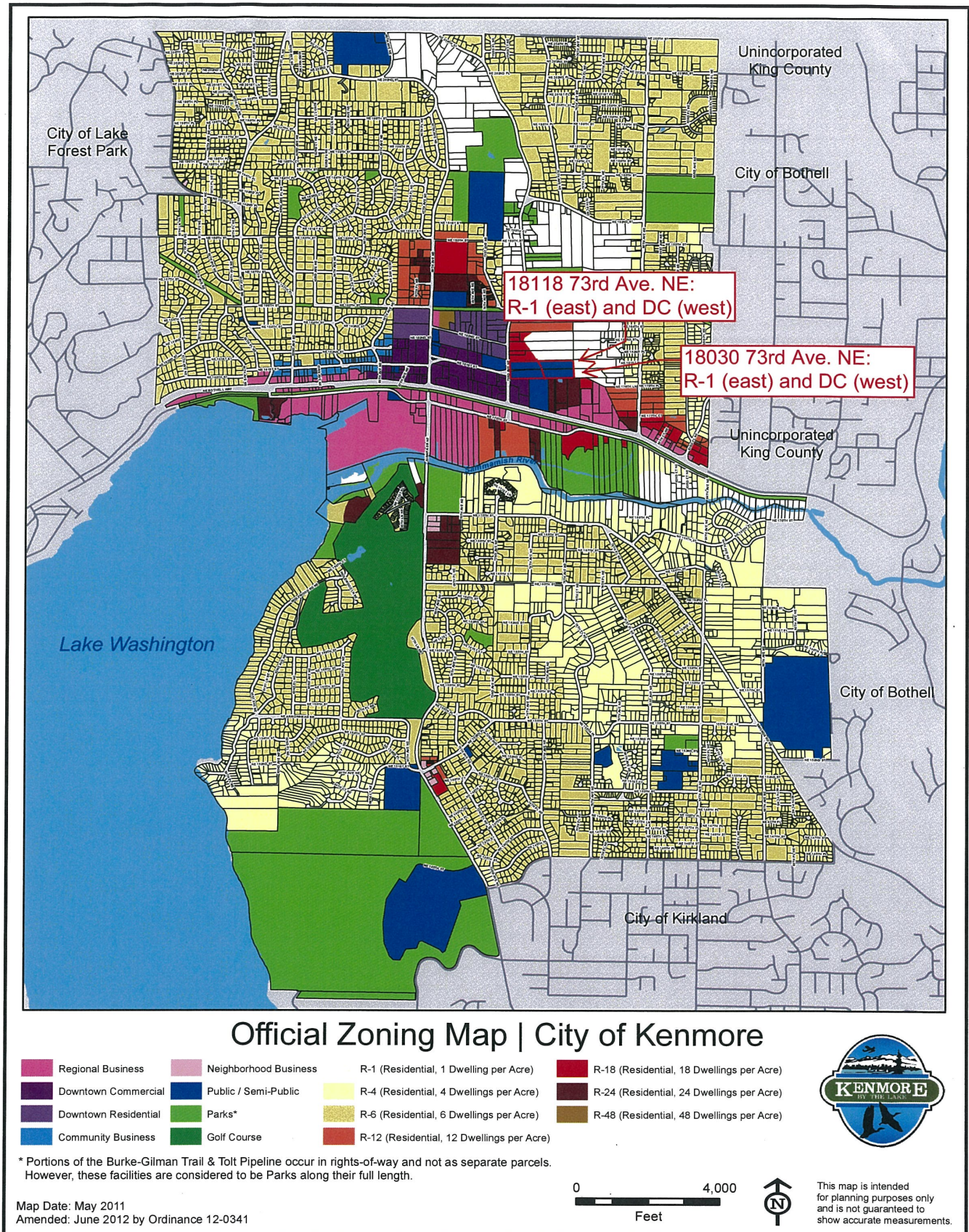


Exhibit 5



City Of Kenmore, Washington

MEMORANDUM

October 16, 2014

TO: Kenmore City Council
Kenmore Planning Commission

FR: Rob Karlinsey, City Manager *RJK*
Nancy Ousley, Assistant City Manager *NKO*

RE: Executive Recommendation on Regional Business Zone

The work of the Planning Commission in examining the appropriate uses and regulations in the Regional Business Zone has been thorough and carefully considered. The Commission deserves our thanks and commendation for a job well done.

However, we are bringing forward an Executive recommendation that differs from the Planning Commission recommendation on two items:

1. Allowed Uses in the Regional Business North Subarea (between SR 522 and NE 175th Street)
2. Maximum Height in the Waterfront Commercial Zone (Kenmore Air, NorthLake Marina and Harbour Village Marina)

The Executive Recommendation is to support the original Staff Recommendation in both areas. We recognize that separate recommendations are unusual once the Planning Commission concludes its work and presents its recommendations to the Council, but in this case we believe strongly that the Planning Commission recommendations may hinder the prospects for employment growth in Kenmore.

Regional Business North Subarea

The Executive Recommendation is to reserve this area for commercial and job development, with no provision for residential or mixed use. We presented the case for preserving the limited area that we have for commercial development in a detailed memo to the Planning Commission dated October 8, 2013, which is attached.

The 2013 memo outlines the many reasons to maintain the land supply available for job development, including the fact that once an area is developed with residential use it will most

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3236 · cityhall@kenmorewa.gov · www.kenmorewa.gov

certainly not convert to commercial or light industrial use. Multifamily development can be considered the low hanging fruit for development in the short term but it will not bring with it the kinds of amenities or services that having a robust daytime population will attract. Kenmore has ample land supply to meet projected residential/multifamily growth and does not need to expand to areas that are now the home to jobs and commercial uses.

This is even more evident in 2014 than it was a year ago when we presented our case in the memo. In this past year, we know that multifamily development companies have been interested in property in this zone. We have also heard from a number of businesses who are interested in coming to or expanding in Kenmore and need space for uses such as artisan distillery production/ bottling or office, and the options for locating here are limited at best. We are working with Bastyr University and the Economic Development Council of Seattle-King County to grow a natural health business and industry cluster, and this area is one of few locations in Kenmore where new natural health products companies could be located.

While the Planning Commission recommendation would require mixed use to be incorporated into any multifamily development in this zone, the commercial space would be small scale and would not accommodate any meaningful commercial and job development.

We support the Commission recommendations in the other Regional Business Zone areas, but emphatically recommend that the City Council maintain this one area for job and commercial development.

Maximum Height in the Waterfront Commercial Area:

We recommend a maximum height of 50 feet in this area, with the provision for 30% view corridors. This area is the home to water dependent businesses and is highly constrained from further expansion. The Planning Commission recommendation limits the height to 35 feet with the ability to increase height to 40 feet if additional setbacks are provided. We believe this recommendation will limit the ability for existing businesses to enhance their services. We have promoted Kenmore's location on Lake Washington and the boating and seaplane services as something that sets us apart from other communities, and the Planning Commission recommendation does not reinforce this exceptional part of our business community. The 30% view corridors recommended by the Staff will provide views of the lake.

The Planning Commission recommendation is questionable in a practical sense, with the setback requirement on a land area that is so constrained. We question the ability of a structure to meet the setback requirements and are aware that an existing structure is 41 feet in height.

Water dependent businesses represent a unique and limited business offering and we believe the Executive recommendation is more realistic and business friendly. The businesses in the Waterfront Commercial Area support the Executive recommendation.

Again, thank you for all of your hard work and significant time spent on the Regional Business zone project. We are confident that your efforts will result in a better Kenmore. Thank you for your consideration of our recommendations.

Attachment

Attachment 1



City Of Kenmore, Washington

Memorandum

Date: October 8, 2013

To: Planning Commission

From: Rob Karlinsey, City Manager *RJK*
Nancy Ousley, Assistant City Manager

Re: Economic Development Perspectives on RB Zoning

We so appreciate your willingness to volunteer your time on the Planning Commission and tackle the Regional Business Zone project. This project and the PROS plan are significant, and we know they require substantial time and effort. On behalf of the City Council and the community, thank you!

Debbie Bent has been keeping us posted on your RB Zone work, and it's encouraging and exciting to hear of the progress you are making and the meaningful discussions you are having. The Berk market study was important step in making sense of the zone and how to proceed from here.

We found the Berk study to be very helpful. Its various conclusions are, for the most part, spot on and very insightful. Of the Berk study conclusions, we would like to discuss the following two:

1. Kenmore has a strong market demand for multi-family housing; and
2. Vertical, residential mixed use is currently not economically ideal for developers in Kenmore

From these two conclusions, it would logically follow that in order to meet market demands, the City should eliminate the mixed use condition for residential and allow multi-family residential to take off unfettered in Kenmore. In some of the RB zone's subareas, this approach makes sense.

However, we also believe it is important to preserve a significant portion of Kenmore's RB zone for commercial development—primary industry jobs in particular. Primary industry jobs make the economic pie bigger rather than cutting up the pie into smaller pieces. Primary industry

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imports jobs and money and exports product. Examples of primary employers in Kenmore are our three Business Incubator companies.

Despite what the market says in favor of multi-family housing, we do not believe Kenmore should squander its location advantage by not providing and protecting a suitable center for jobs. And quite frankly, we have precious little land available for employment as it is, and with the exception of Lakepointe which will likely develop into residential, office, and/or hotels, we are literally landlocked with no expansion or annexation area to develop a business park. If a company wants to locate in Kenmore, there should be a place for that company to go.

Why Jobs?

We think Kenmore needs to preserve and enhance areas for employment for the following reasons:

- “Complete” cities where you can live, work, shop and learn all in one place, have higher property values. Tastes are changing for the younger generation of workers who have come of age in the last ten years and, partly because they are working longer and harder to get by, they want to save time shuttling between their personal and professional activities. The neighborhoods that recovered their values first and fastest since 2008 have been those near job centers like South Lake Union and downtown Bellevue. This is creating “winner” and “loser” places, and the winners will be those that have the best quality of life, including job opportunities (source: Rod Stevens, Spinnaker Strategies).

As the Berk study says, “. . . successful communities are a collection of use types—the various types work together to reinforce each other and attract additional investment.” We do not believe that fostering a monoculture of housing will transport Kenmore on that higher success trajectory.

- According to the Berk study, Kenmore does not have a strong set of retail amenities like restaurants because “it lacks a critical mass of daytime employment or a high concentration of residents.” While more housing will help in bringing the retail that everyone wants, commercial development, just as much or even more so than residential development, can also help drive more retail. Why? Commercial development can provide the daytime demand for these amenity businesses (e.g., restaurants).

If Kenmore becomes too much of a bedroom community wherein residents vacate the city by day, the businesses that need more than just evenings to survive won’t come. Commercial uses, on the other hand, bring employees, clients, and service providers throughout each working day.

- Having a robust business presence will position us for regional infrastructure, including Kenmore as the likely location for a Light Rail train station (yes, we’re looking out that far) and even a passenger ferry service, among other regional services.

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- A strong job center is needed to balance Kenmore's already high concentration of residential. Kenmore does not have to be known only as a bedroom community to Seattle and the East Side. Kenmore can also have its own job center. This job center does not have to be on the same scale as Redmond's or Bellevue's, but it can be just the right size to send the message that Kenmore is not only a great place to live and play, it's also a great place to work.

Despite the Berk report's assessment of some of Kenmore's disadvantages (not next to I-405 and I-5, for example), we believe that Kenmore has strong case for more jobs and improved economic vitality. This case is built on the following major points:

Geographic Location. Kenmore has a location advantage. Kenmore is in a unique position because of its location at the top of the Lake. I have spoken with a number of residents who appreciate being able to quickly access both Seattle and the East side.

Tolling. The SR 520 tolls are only going up. The more they go up, the more employers will be sensitive to helping their employees get to work as inexpensively as possible. No tolls are required to get to Kenmore.

Waterfront. Kenmore's beautiful waterfront is a reason to set up shop in Kenmore, especially for those wanting water views to enhance the working experience for themselves, their employees, and their clients. While being on the water is not the end-all in attracting business and needs to be combined with other essential ingredients to be successful, the waterfront and its views give Kenmore a leg up on its competition.

High Capacity Transit and the Burke Gilman Trail. The bus only lanes on SR 522 have made a huge difference in getting commuters to and from Kenmore quickly. These lanes combined with the major routes assigned to SR 522 make Kenmore an ideal place for workers who need to get around. We also know that the Burke Gilman Trail is another way for commuters to get to and from work, and we predict that the Trail will only increase in commuter use as vehicle traffic congestion increases and as commute trip reduction programs become even more aggressive.

Proximity to Higher Education. The founder of our newest addition to our Business Incubator told us that proximity to UW Bothell and Cascadia was a factor in coming to Kenmore. With Bastyr University, UW Bothell, and Cascadia so close by and UW Seattle a relatively short bus ride away, Kenmore is well-positioned for employers who need to access to the talent and services that universities provide.

We can leverage and market all of the above assets to promote and grow Kenmore as an economic force and keep it from being merely known as a bedroom community or as a stretch of Bothell Way on the way to Seattle.

Back to the Mixed Use Discussion

We do not have all of the answers on how to zone for the protection and enhancement of an employment core in our downtown. However, removing the mixed use requirement in all of the

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RB subareas may result in a housing takeover of what little employment center capacity we do have.

What Kinds of Jobs?

If the goal is to maintain and foster a significant portion of the RB Zone for jobs, the next question that might follow is, “What kinds of jobs?” First and foremost, we agree that the Berk recommendation to “remain flexible” is key. We can’t predict all of the types of businesses that may choose to locate here in the future, and we should not try to force or dictate a certain market of employers. We should zone a meaningful amount of land for employment, with zoning that is flexible enough to accommodate a range of compatible commercial uses.

There is no cookie-cutter approach to a job strategy, and we believe that in order to compete with our neighbors, we need to be different—we need to offer something different than Bothell, Woodinville, and Kirkland.

We need to decide what we, as a city, are going to make and sell the world and then support the people and businesses that have the skills and resources to get us there. There are two opportunities that can help us do so:

Abundance of High Tech Talent Living in Kenmore Combined with Affordable Commercial Rents. Since moving to Kenmore over a year ago, I (Rob) have been stunned with the high concentrations of high tech workers living in Kenmore. These aren’t the citizens you necessarily see at City Council meetings, but they are here. I have met numerous Kenmore residents who work for Microsoft, Amazon, Boeing, Google, Tableau, and other high tech companies.

When I was in Gig Harbor, I knew employers that would have given their right arms to have to be this close to in-demand, high tech talent. Having a high concentration of tech workers in our city should not be taken for granted—in fact, it should be leveraged and nurtured.

Many of these high tech workers are satisfied with their jobs at the big companies, but many are restless entrepreneurs who want to patent their own ideas and start their own high tech companies but may lack the capital and physical space to do so. That’s where we come in. Kenmore’s proximity to talent combined with its affordable commercial rents makes us ideal for these types of startups and entrepreneurs. Our zoning and development regulations, as well as our jobs strategy, should pave the way for these types of businesses. One example of this strategy is our new Business Incubator.

Bastyr University and the Growing Natural Health and Science Industry. With the nation’s foremost institution on natural health residing within our borders, Kenmore can position itself as the epicenter of the natural health and sciences world. Nancy Ousley, in collaboration with Bastyr and the Economic Development Council for Seattle/King County (EDC), has been forming partnerships and relationships that bring stakeholders and players in the natural health science world together. We want to grow a business cluster related to Bastyr, Kenmore’s largest employer. This cluster can include food products, supplements, or research facilities. Where would these businesses locate if we don’t have the zoning capacity?

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The above two examples are not the only opportunities for Kenmore to distinguish itself. For instance, the growing advanced manufacturing industry may also prove to be a strong niche for Kenmore—our existing commercial buildings could be an affordable place for these types of companies that need to be close in and recruit from the technical colleges in the area. Rod Stevens of Spinnaker Strategies offers the following comments on Advanced Manufacturing:

“There are benefits to advanced manufacturing, which involves computer-driven design and production (and “fab labs”). These technical jobs require technical skills. A machinist literate in CNC design and production makes a lot more than an English major working as a barista. With more and more “onshoring,” these skills are in high demand. They feed into the tech economy, especially aeronautics. They provide places for teenagers to learn how to work. You don’t need a major four-year college to make the business ecosystem around them work—simply a cooperative K-12 and community college system. It is where the U.S. is heading.”

If Kenmore can combine its affordable, existing commercial buildings and its close-in location with the right zoning regulations and economic development strategies, Kenmore can position itself to be ahead of and capitalize on employment trends like these.

Conclusion

In conclusion, the City can effectively respond to the multi-family housing market demands while at the same time preserving a substantial commercial core for jobs and commerce.

While lifting the mixed-use requirement in some of the RB subareas makes sense, we need to consider how best to protect and establish the city’s commerce core by 1) preventing a monoculture of multi-family housing developments throughout the zone; 2) maximizing RB zone flexibility to accommodate a range of compatible primary industry uses; and 3) tapping into our strongest assets to determine what sets us apart and what we as a city are going to make and sell to the world.

PUBLIC/PRIVATE FACILITIES PROPERTIES

- 
- ☐ Former Fire Station
 - ☐ Former Police Precinct
 - ☐ Former Library

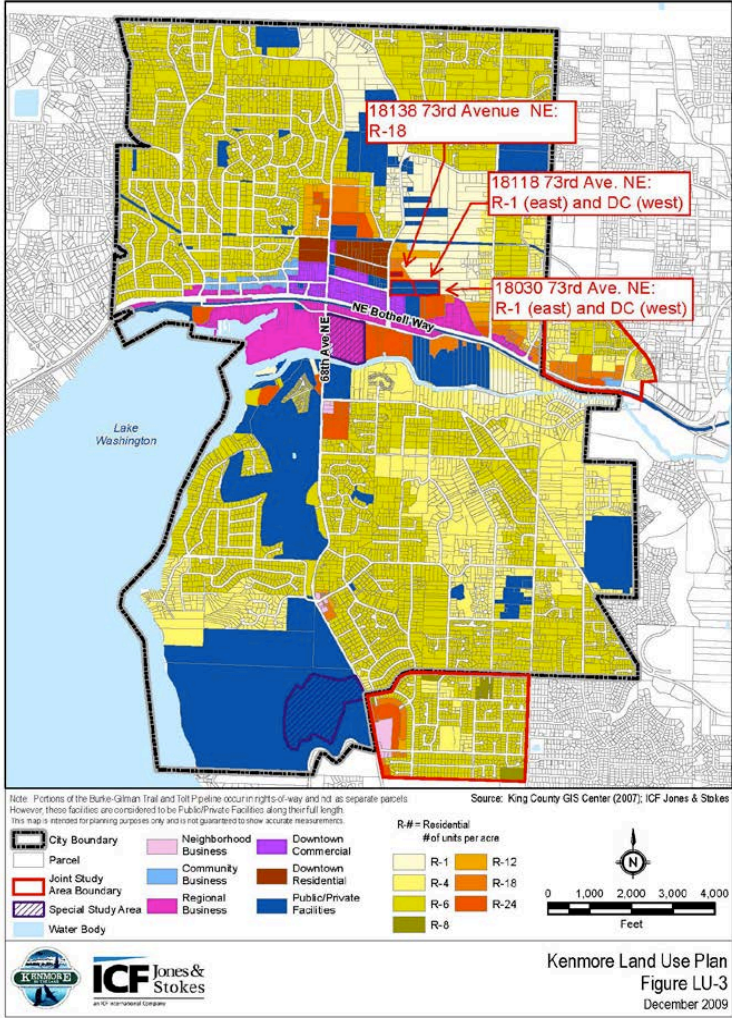
- 
- Planned for public/private facilities
 - Zoned for public/semi-public uses
 - Change to private ownership

Planning Commission Recommendation

- Amend Comprehensive Plan map for all properties
- Former Library: multifamily
- Former Fire Station and Police Precinct: split land use designation

Split land use designation

- R-1 to the east, to acknowledge critical areas (Swamp Creek and associated wetlands) and avoid extensive density transfer
- Downtown Commercial (DC) to the west—similar to surrounding properties



Zoning

- Zoning would match Comprehensive Plan designation
- Former Library: already rezoned to multifamily
- Former Fire Station and Police Precinct: split zoning, R-1 and DC

Commercial Zoning Project

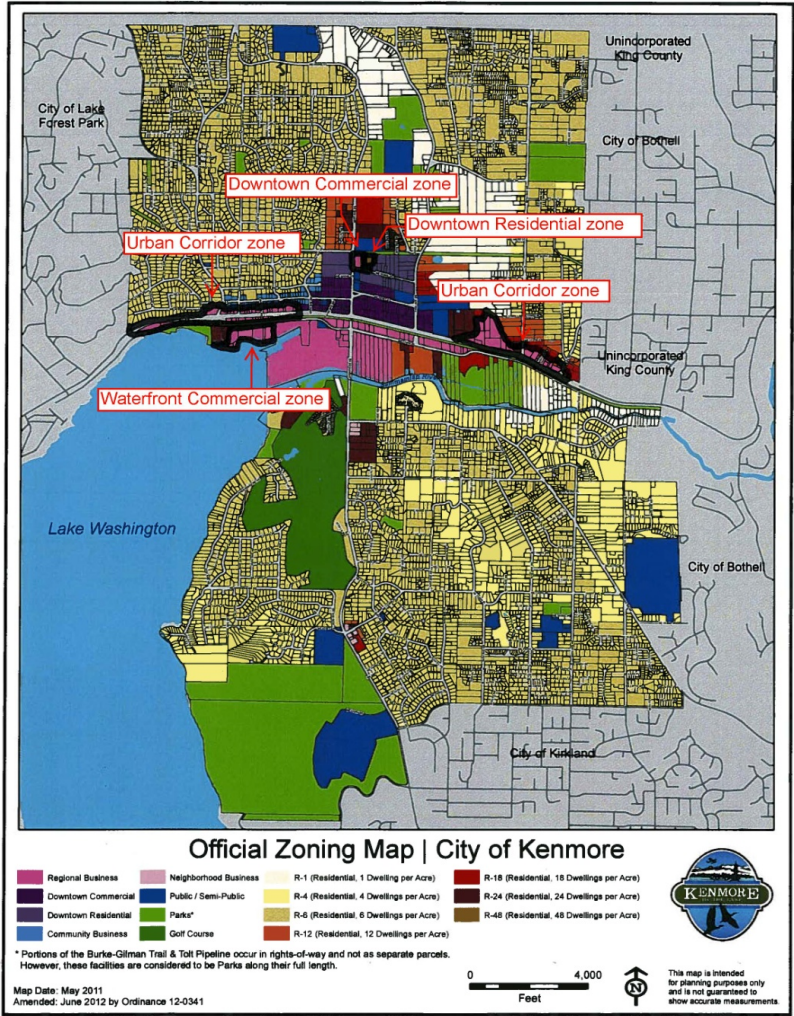
Economic development focus

- ▶ Promote the image of Kenmore
- ▶ Support existing businesses
- ▶ Advance the City's connection to the waterfront
- ▶ Support future economic development opportunities

Planning Commission Recommendation

- ▶ Two new zones: Waterfront Commercial and Urban Corridor
- ▶ Regional Business zone reduced in size
- ▶ Urban Corridor and Regional Business zones have subareas





Promote Kenmore's image

- ▶ Limit new auto service businesses along SR-522
- ▶ Allow standalone multifamily development in some areas along SR-522
- ▶ Prohibit all new auto sales businesses
- ▶ Eliminate “existing legal” nonconformance rules
- ▶ Increase pedestrian-friendly design standards in some areas, including along the Burke-Gilman Trail and in the Kenmore Square area

Image, continued

- ▶ Add new standards for screening of outdoor storage and loading areas
- ▶ Prohibit standalone surface parking lots in some areas and restrict their size
- ▶ Require site plan review for parcels adjacent to the south side of SR-522
- ▶ Retain views of Lake Washington for existing and new development

Support existing businesses

- ▶ Allow warehousing and wholesale trade uses in some areas (no longer nonconforming)
- ▶ Clarify accessory uses
- ▶ Revise development agreement language to address P-suffixes on the Lakepointe site and in the Plywood Supply Special Study Area
- ▶ Murphy's Auction rezone

Advance waterfront connections

- ▶ Reduce heights and add view corridor requirements to retain views of the lake from SR-522 and upland neighborhoods
- ▶ Retain P-suffix requirements for Lakepointe and the Plywood Supply Special Study Area that require public access to, and gathering places and viewpoints on, the waterfront

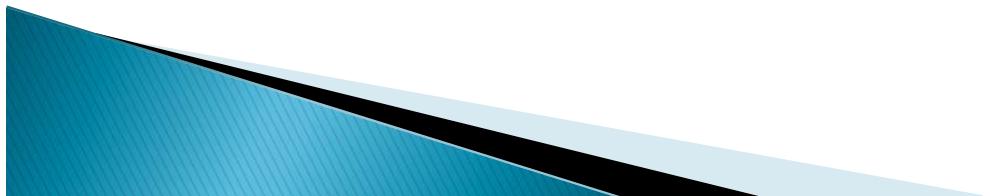


Support future economic development opportunities

- ▶ Streamline/update the list of land uses
- ▶ Eliminate the “special use” permit review process
- ▶ Eliminate the conditional use permit requirement for light manufacturing in most of the area
- ▶ Provide the “development agreement” opportunity throughout the zones

Support future economic development opportunities, continued

- ▶ Increase heights for non-mixed use development in non-view areas from 35' to 55' (5 stories)
- ▶ Reduce design standards in the Regional Business North Subarea except near major intersections
- ▶ Increase residential density range from 36–48 du/acre to 48–72 du/acre



Comprehensive Plan amendments

- ▶ Describe and map new land use designations
- ▶ Eliminate policy supporting continuation of industrial uses

Executive Recommendation

- ▶ Amend height limits in the Waterfront Commercial zone (up to 50' if a 30% view corridor is provided). Planning Commission recommendation is 35' maximum height with the opportunity to increase to 40' with additional setbacks
- ▶ Restrict all multifamily in the Regional Business zone North Subarea

City of Kenmore Transportation Element Update

October 28, 2014 Joint PC/CC Meeting on the Transportation Element



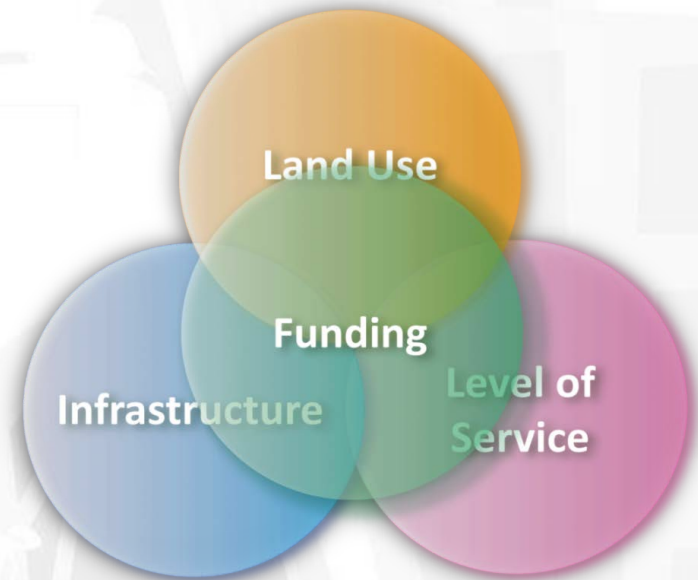
Don Samdahl, PE, PTP

FEHR & PEERS

Planning Commission Meeting Summary



- February 19th: Presented on layered network approach
- May 20th: Shared draft goals and policies
- June 10th: Presented approach to developing level of service (LOS) policy
- July 1st: Draft project list based on layered network and feedback on goals/policies and LOS
- August/September: Presented Draft Transportation Element
- Next Steps: Finalize plan and implementation items

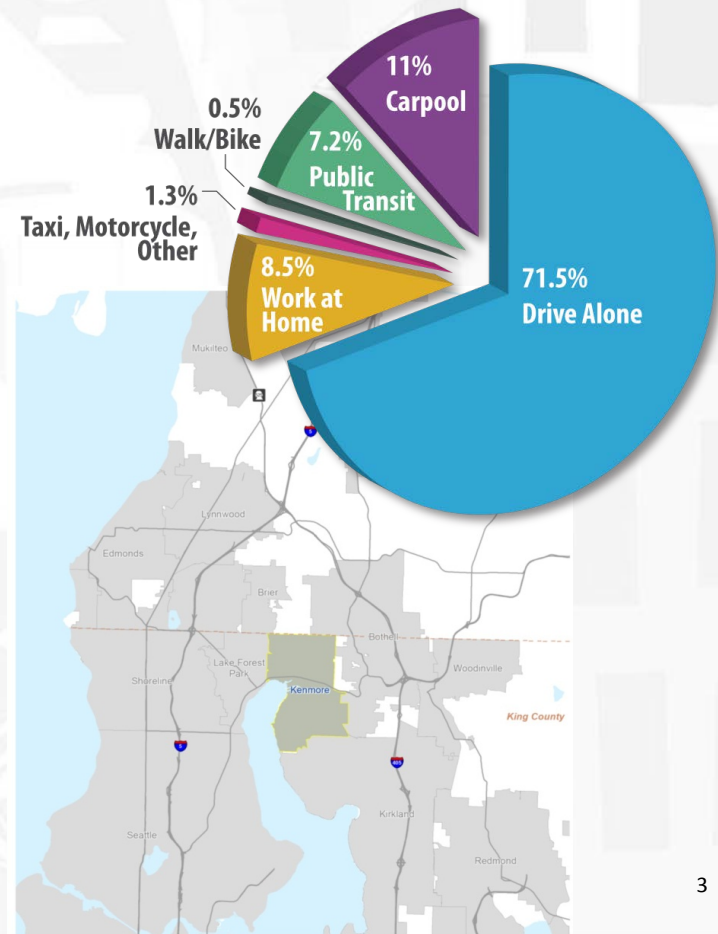


Plan Outline



Chapters

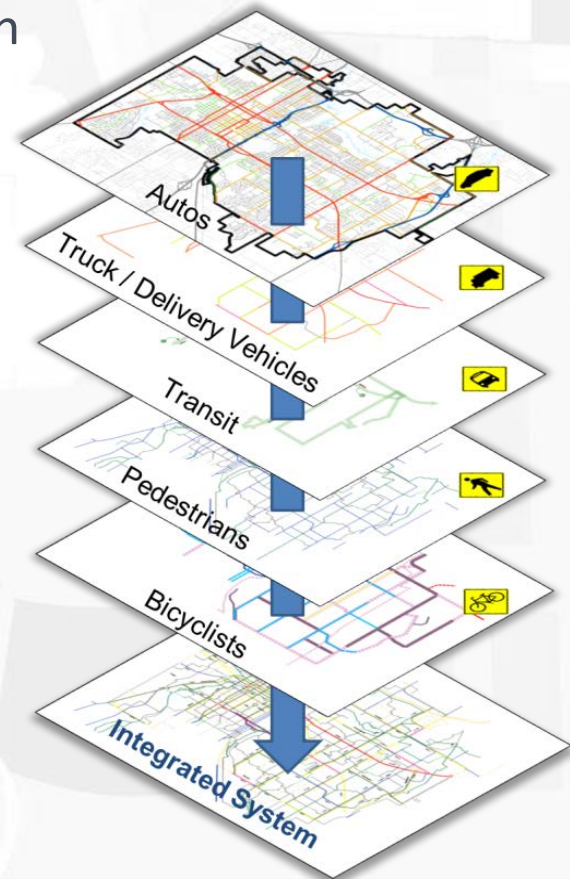
1. Introduction
2. Conditions and Trends
3. Transportation Vision and Goals
4. Future Transportation Vision
5. Near and Long Term Capital Plans
6. Implementing the Transportation Element



Core Philosophy: Layered Network



- Modal priority networks establish where modes need to be best accommodated
- Developing LOS policies for following modes:
 - Pedestrian
 - Bike
 - Transit
 - Auto/Freight



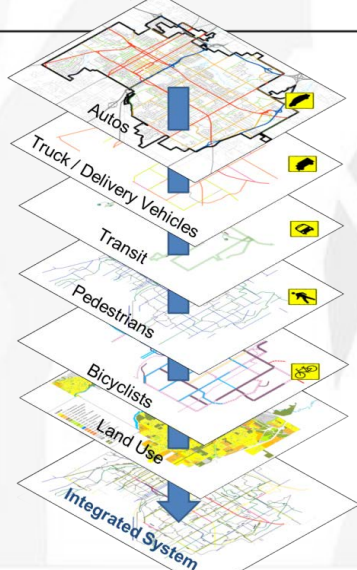
How It All Fits In



Transportation Plan

LAYERED NETWORK

- Identifies priority users on individual streets
- Based on existing travel patterns and input from City staff and community



LEVEL OF SERVICE

- Auto
- Bicycle
- Transit
- Freight
- Pedestrian

TRANSPORTATION PROJECT LIST

- 20 Year List
- 6 Year (Capital Improvement Program)
- Concurrency
- Impact Fee Program

PEDESTRIAN LOS – SIDEWALK REQUIREMENTS	
LOS	Within Pedestrian Priority Network
Green	Pedestrian facility* where indicated in Pedestrian Priority Network, with a buffer
Yellow	Pedestrian facility* provided on one side of the street
Red	No pedestrian facility
Crossing Requirements	
LOS	In Downtown or Within a Half Mile of a School
Green	Enhanced crossing every 300-600** feet
Yellow	Marked crosswalk present every 600** feet
Red	No marked crosswalk present

* Pedestrian facility includes sidewalks and shoulders protected by a raised curb
 ** Distance may exceed 600 feet where no pedestrian demands are present



Project Type

- Sidewalk Addition
- Bike Lane Rechannelization
- Corridor Improvements
- Roadway/Capacity
- Bridge or Undercrossing
- Kenmore

Map Labels:

- SR 522: Lake Forest Park to 61st Ave NE
- 61st Ave NE east side sidewalk replacement
- Feasibility study for grade separated crossing
- Widening to provide queue jump lane
- West Sammamish River Bridge Replacement
- Rechannelize to add bike lanes
- Swamp Creek Bridge Replacement
- Juanita Drive 143rd St to 155th St

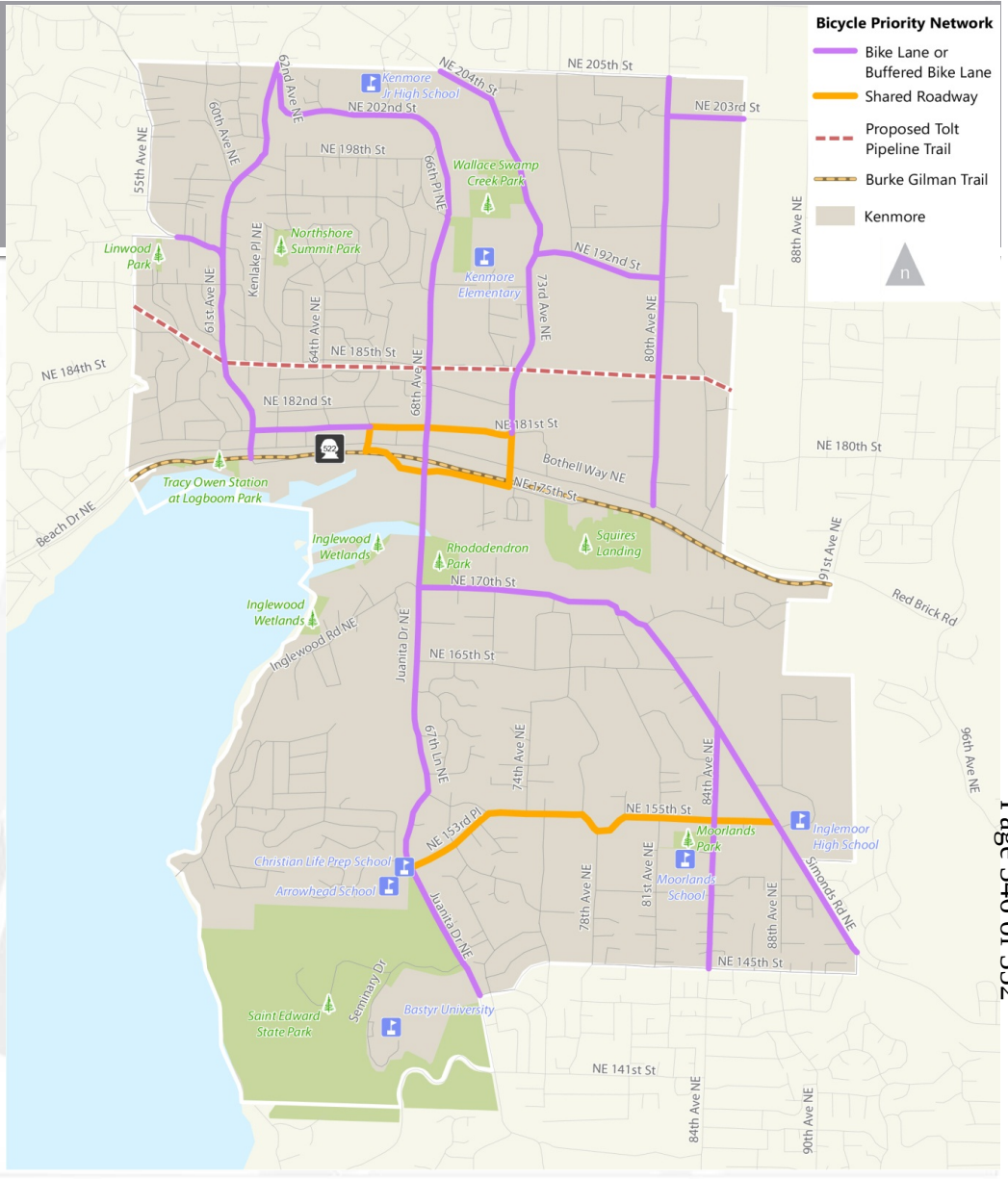
Citywide Projects

- Sidewalk Program
- Neighborhood Traffic Plans

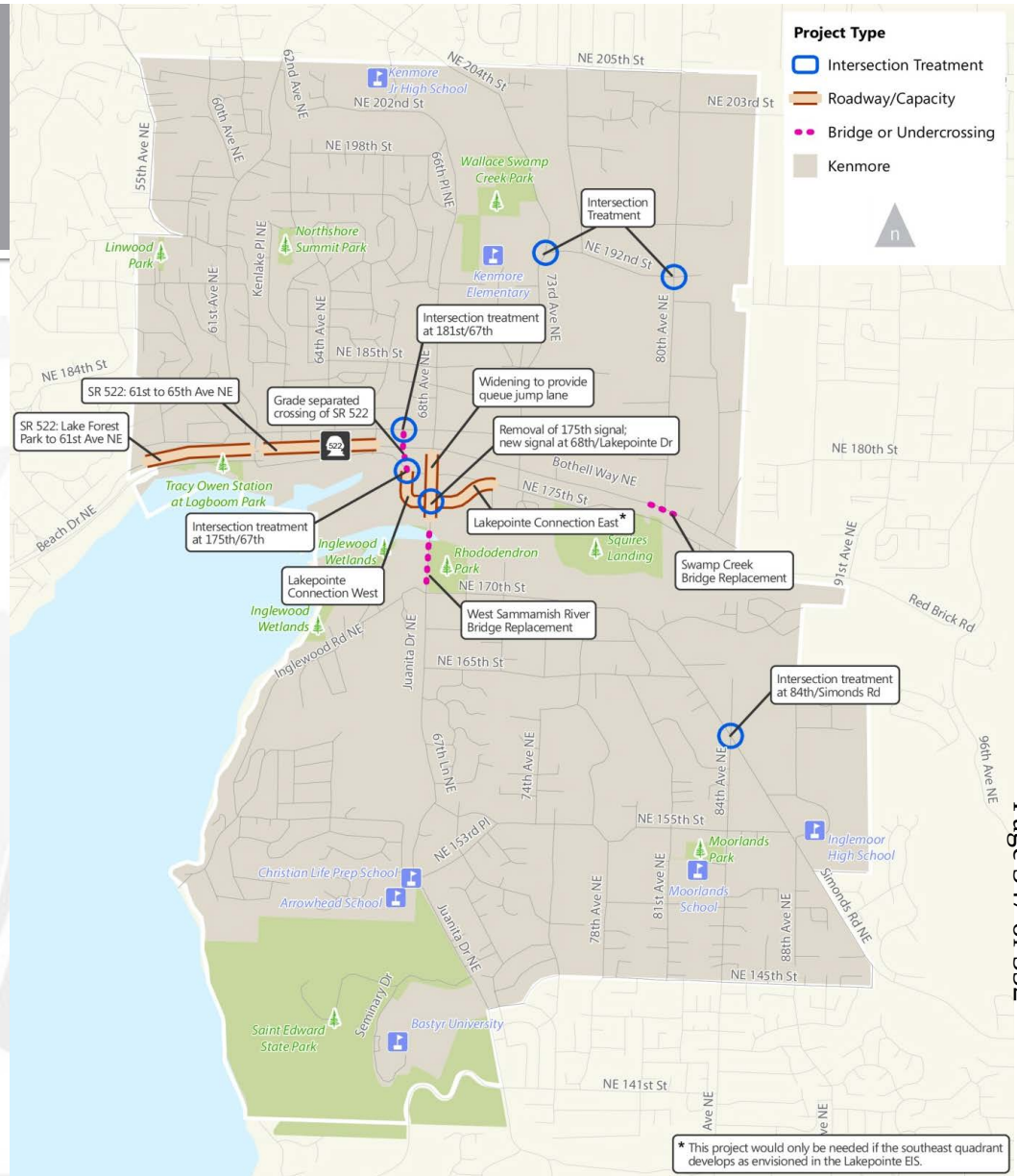
20 Year List Pedestrians



20 Year List Bikes



20 Year List Autos





20 Year Project Costs

Project Needs	Description	Total Cost	Expected City Cost
Auto/Truck Priority Projects	Bridges, traffic signals, intersection channelization, SR 522 improvements	\$40-50M	\$5-10M
Pedestrian Projects	Sidewalks, crossings	\$20-30M	\$20-30M
Bicycle Projects	Bike boulevards, bike lanes, crossings	\$15-20M	\$12-17M
Multimodal Projects	Multimodal corridors, SR 522 crossings	\$40-50M	\$10-20M
Pavement Maintenance	Overlay and pavement repair	\$20-40M	\$20-40M
	Total	\$135-190M	\$67-117M

- Projects in the 6-year list represent highest priorities
- Funding assumes a mix of state and federal sources

PSRC Review



- **PSRC reviews document for consistency with Vision 2040**
- **Overall, the reception has been positive**
- **Minor updates based on PSRC feedback:**
 - Identified deficiency-driven projects in technical appendix
 - Added policy on disaster readiness
 - Modified policy related to project prioritization

PSRC Review



- **Disaster readiness policy:**
 - Policy T-2.1.4: Coordinate planning, construction, and operation of transportation facilities and programs with the State, Counties, neighboring cities, Puget Sound Regional Council, Metro, Sound Transit, and other entities to ensure critical infrastructure is in place to respond to both natural and human-caused disasters.

PSRC Review



- **Updated prioritization policy:**
 - Policy T-1.1.2: Guide the development of new streets and maintenance of existing streets to form a well-connected network that provides for safe, direct, and convenient access to the existing roadway network for automobiles, bicycles, and pedestrians. Transportation investments downtown that reinforce the City's vision of developing a compact, pedestrian and transit-oriented center shall be the City's investment priority.

Questions?



Don Samdahl

d.samdahl@fehrandpeers.com