



City of Kenmore
City Council Special and Regular
Meeting Agenda
Monday, June 23, 2025
6:00 PM

ZOOM - LINK: <https://kenmorewa-gov.zoom.us/j/84991416836>

Password: 062325

Telephone: Dial US: +1 253 215 8782

Webinar ID: 849 9141 6836

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

If you have technical difficulties accessing the meeting virtually, please contact the Deputy City Clerk at mkang@kenmorewa.gov.

Technical Difficulties - If the virtual component of the meeting disconnects, and we cannot resolve technical difficulties to reconnect the virtual component, the in-person meeting will continue at City Hall if there is a quorum of the body to conduct business.

1. CALL SPECIAL MEETING TO ORDER - 6:00 PM

2. EXECUTIVE SESSION

- A) Confidential Session of the Council - Pursuant to RCW 42.30.110(1)(g), the City Council will now enter an executive session to evaluate the qualifications of applicants for public employment. This executive session is slated to last 60 minutes until approximately 7:00 PM, but may be extended.

3. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

4. ADJOURN SPECIAL MEETING

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

6. ROLL CALL

7. LAND ACKNOWLEDGEMENT

- A) We acknowledge that the City of Kenmore is situated upon the ancestral lands of the Snohomish, Snoqualmie, Sauk-Suiattle, Duwamish, Stillaguamish, Tulalip, Suquamish, Muckleshoot, and other tribes who are part of the Coast Salish Peoples. We recognize and express our deepest respect for their enduring stewardship and profound relationship with this land, which they have cherished and protected since time

immemorial. We honor the First Peoples, acknowledge their vibrant cultures, and commit ourselves to learning from their wisdom in our journey to promote justice, equity, and mutual understanding. We pledge to stand alongside these communities in acknowledging past injustices and working towards a future that respects and celebrates the diverse heritage of this land.

8. FLAG SALUTE

9. AGENDA APPROVAL

10. WHERE'S THE FUN?

11. PUBLIC COMMENTS

- A) Welcome to the Council's meeting. Please address your comments to the Mayor and Council. You'll have three minutes to speak. If there are more than 20 speakers, time will be reduced to two minutes per speaker. The Clerk will call your name when it's your turn. The Presiding Officer may choose to alternate between in-person and online comments. Please state your name and city of residence and keep within the allotted time. To make every person feel welcome and safe here, please refrain from booing, clapping, heckling, yelling, or other interruptions. Please note: Under Washington State law (RCW 42.17A.555), public comment time may not be used to support or oppose candidates or ballot measures. Thank you for keeping remarks focused on City business. The meeting is recorded for transparency. Thank you for being here, and for sharing your input respectfully.

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

12. CONSENT AGENDA

- A) Cancel the City Council Regular Meeting of Monday, July 14, 2025 and Call the City Council Special Meeting of Monday, July 14, 2025 to start at 5:45 PM followed by a Community Town Hall to start at 6:00 PM.
- B) Approve City Council Regular Meeting Minutes of Tuesday, May 27, 2025.
1. City Council Regular Meeting Minutes of Tuesday, May 27, 2025 (added 6/23)
- C) Approve the following Voucher Certification and Approval:
- Total Check #s 56399 through 56481 totaling \$540,548.09
 - Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 05/30/2025 in the amount totaling \$318,620.74
 - Total EFT Payment #s 1855 through 1857 total \$51,753.20

1. Voucher Certification & Approval 05/24/2025 - 06/06/2025
- D) Authorize the Interim City Manager to execute Contract No. 25-3153 with King County to accept 2025 King County External Support Program funds in the amount of \$250,000 for Kenmore Senior Center improvements.
 1. Agenda Bill - Contract No. 25-3153
 2. Attachment 1 - Contract No. 25-3153
- E) Authorize the Interim City Manager to execute a purchase sale agreement for Tributary 0057 conservation property in an amount of \$600,000.
 1. Agenda Bill - Purchase Sale Agreement
 2. Attachment 1 - Site Map

13. PRESENTATION

- A) Recognizing City Clerk Anastasiya Warhol for her years of service to the City of Kenmore

14. PUBLIC HEARING

VIRTUAL PUBLIC HEARING PRE-REGISTRATION: To provide virtual public testimony during a Public Hearing, please fill out the Virtual Public Comment Request Form (linked above in Public Comment) in advance of the meeting. The form opens Tuesdays at 12:00 Noon and closes Mondays at 12:00 Noon. You will be confirmed by the City Clerk. If you are having difficulty, please reach out to the City Clerk at awarhol@kenmorewa.gov.

- A) Proposed Ordinance No. 25-0629, amending and extending interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Avenue NE, presented by Assistant City Manager/Community Development Director Debbie Bent, *for public hearing*
 1. Agenda Bill - Extending Interim Regulations
 2. Attachment 1 - Proposed Ordinance No. 25-0629
 3. Attachment 2 - Ordinance No. 25-0625
 4. Attachment 3 - Ordinance No. 24-0612
 5. Attachment 4 - Ordinance No. 24-0606
 6. Attachment 5 - Ordinance No. 23-0586
 7. Attachment 6 - Ordinance No. 23-0575
 8. Attachment 7 - Ordinance No. 23-0569
 9. Attachment 8 - Ordinance No. 22-0555
 10. Attachment 9 - Ordinance No. 22-0543

15. BUSINESS AGENDA

- A) Proposed Ordinance No. 25-0629, amending and extending interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Avenue NE, presented by Assistant City Manager/Community Development Director Debbie Bent, *for adoption*
 1. Agenda Bill - Extending Interim Regulations

2. Attachment 1 - Proposed Ordinance No. 25-0629
 3. Attachment 2 - Ordinance No. 25-0625
 4. Attachment 3 - Ordinance No. 24-0612
 5. Attachment 4 - Ordinance No. 24-0606
 6. Attachment 5 - Ordinance No. 23-0586
 7. Attachment 6 - Ordinance No. 23-0575
 8. Attachment 7 - Ordinance No. 23-0569
 9. Attachment 8 - Ordinance No. 22-0555
 10. Attachment 9 - Ordinance No. 22-0543
- B) Proposed Ordinance No. 25-0630, amending Titles 17, 18, and 19 of the Kenmore Municipal Code (KMC) for Middle Housing, Accessory Dwelling Units (ADU), and Affordable Housing (Inclusionary Zoning) regulations, presented by Assistant City Manager/Community Development Director Debbie Bent and Principal Planner Todd Hall, *for discussion and adoption*
1. Agenda Bill - Proposed Ordinance No. 25-0630
 2. Attachment 1 - Proposed Ordinance No. 25-0630
- C) Single Room Occupancy and Residential Parking Regulations, presented by Principal Planner Todd Hall and Senior Planner Brittany Chue, *for discussion and direction*
1. Agenda Bill - Single Room Occupancy and Residential Parking Regulations
 2. Attachment 1 - Staff Memo
 3. Attachment 2 - Draft Code
 4. Attachment 3 - Presentation (added 6/20)
- D) Kenmore Automated Photo Enforcement (KAPE) Intermittent Enforcement Site Recommendations and Dynamic Deployment Procedure, presented by Traffic Engineer, *for continued discussion and approval*
1. Agenda Bill - KAPE
 2. Attachment A - Recommended Intermittent Enforcement Sites
 3. Attachment B - Map of Recommended Intermittent Enforcement Sites
 4. Attachment C - Dynamic Intermittent Deployment Phased Implementation
 5. Attachment D - Equity Analysis
 6. Attachment E - Safety Analysis
 7. Presentation - KAPE Intermittent Enforcement Prioritization, Phasing & Scaling (added 6/23)

16. STAFF REPORTS

- A) Update on the Emergency Management and Planning Study, presented by Assistant City Manager/Community Development Director Debbie Bent
- B) Other - Interim City Manager Stephanie Lucash

17. COUNCILMEMBER REPORTS & COMMENTS

18. ADJOURNMENT

UPCOMING MEETING SCHEDULE:

- A) Monday, July 14, 2025 6:00 PM - 8:00 PM -- Community Town Hall
- Monday, July 21, 2025 7:00 PM -- City Council Regular Meeting
- Monday, July 28, 2025 7:00 PM -- City Council Regular Meeting

NOTICE OF POTENTIAL QUORUMS

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

**City of Kenmore
City Council Meeting
Regular Meeting Minutes
Tuesday, May 27, 2025**

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

PRESENT:

Councilmembers: Mayor Nigel Herbig
Deputy Mayor Melanie O’Cain
Councilmember Joe Marshall
Councilmember Debra Srebnik
Councilmember Valerie Sasson
Councilmember Jon Culver
Councilmember Nathan Loutsis

Staff: Interim City Manager Stephanie Lucash
Interim Deputy City Manager Tambi Cork
City Attorney Dawn Reitan
City Clerk Anastasiya Warhol
Deputy City Clerk Michelle Kang
Public Works Operations Director Jennifer Gordon
Events & Volunteer Coordinator Alison Jenkins
Streets & Surface Water Supervisor Chase Walker
Maintenance Worker Brad Burlinson
Engineering Director John Vicente

Speaking Guests: Susan Vossler, Proclamation Recipient
Connections Health Crisis Center Medical Director Dr. Kyle Jasper
EvergreenHealth Chief Executive Officer Dr. Ettore Palazzo

Public Comments Speakers:
Steve Yoder, Kenmore Resident

CALL REGULAR MEETING TO ORDER

Mayor Herbig called the regular meeting to order at 7:00 PM.

LAND ACKNOWLEDGEMENT

Mayor Herbig read the Land Acknowledgement Honoring First Peoples.

FLAG SALUTE

Mayor Herbig led the Council in the Pledge of Allegiance.

AGENDA APPROVAL

The agenda was approved as presented.

PROCLAMATIONS

Mayor Herbig proclaimed June 2025 to be Pride Month in the City of Kenmore; Eastside Pride Board Member Susan Vossler accepted the proclamation.

[Pride Month - June 2025](#)

Mayor Herbig proclaimed June 2025 to be Gun Violence Awareness Month in the City of Kenmore.

[National Gun Violence Awareness Month - June 2025](#)

WHERE'S THE FUN?

Interim City Manager Stephanie Lucash highlighted the Inglemoor Rowing Club. Inglemoor Rowing Club made history, winning both the U19 Women's Varsity 8+ and Coxed 4+ at Youth Regionals—earning spots at Nationals in Florida. Led by Coach Douglas van Gelder, the self-funded team saw record participation, seven A finals, and six athletes committed to top NCAA programs. It's their fourth Nationals trip—and the first with two boats.

PUBLIC COMMENTS

The City Council received comments from the public.

Timestamped link here:

https://www.youtube.com/live/uYNZCmMyTAI?si=GYlus4_eswYM0xDI&t=747.

CONSENT AGENDA

- A. Approve City Council Special and Regular Meeting Minutes of Monday, April 21, 2025.

[City Council Special and Regular Council Meeting of Monday, April 21, 2025 \(added 5/23\)](#)

- B. Approve the City Council Regular Meeting Minutes of Monday, April 28, 2025.

[City Council Regular Meeting Minutes of Monday, April 28, 2025 \(added 5/23\)](#)

- C. Approve the City Council Special Meeting Minutes of Monday, May 5, 2025.

[City Council Regular Meeting Minutes of Monday, May 5, 2025 \(added 5/23\)](#)

- D. Approve Total Check #s 56255 through 56321 totaling \$458,358.11, Total Payroll/Taxes/Flexible Spending/Retirement & Health Savings Account Electronic Deposits Dated 05/02/2025 in the amount totaling \$301,370.58, and Total EFT Payments #s 1835 through 1837 totaling \$50,127.12, and Total Wire Transfers totaling \$2,017,228.34.

[Voucher Certification & Approval 04/26/2025 - 05/09/2025](#)

MOTION: Approve the consent agenda outlined above.

Moved by Srebnik; seconded by Loutsis.

VOTE: Consent Agenda was approved by UNANIMOUS CONSENT.

PRESENTATIONS

A. New Staff Introductions

- Public Works Operations Director Jennifer Gordon introduced Allison Jenkins, Events and Volunteer Coordinator.
- Streets & Surface Water Supervisor Chase Walker introduced Brad Burlison, Maintenance Worker.

Medical Director Dr. Kyle Jasper provided an update on the Connections Health Crisis Center.

[Presentation - Kirkland Crisis Response Center Connections \(added 5/27\)](#)

Chief Executive Officer Dr. Ettore Palazzo provided the EvergreenHealth 2025 State of Healthcare

[Presentation - 2025 EvergreenHealth State Healthcare Update \(added 5/23\)](#)

BUSINESS AGENDA

Ordinance No. 25-0628, Updating Title 12 and Title 18 of the Kenmore Municipal Code (KMC), presented by Engineering Director John Vicente, *for adoption*

[Agenda Bill - Title 12 and Title 18 Amendments](#)

[Attachment A - Ordinance No. 25-0628](#)

[Attachment B - Title 12 Amendments, redlined \(updated 5/21\)](#)

[Attachment C - Title 18 Amendments, redlined](#)

[Attachment D - Title 12 Amendments, clean version \(updated 5/21\)](#)

[Presentation - KMC Title 12 and Title 18 Amendments](#)

Engineering Director John Vicente explained that the following chapters in Title 12 and Title 18 have proposed amendments:

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

The purpose of the amendments is to update the City requirements for right of way maintenance, provide clarification on some items, consolidate landscape requirements to Title 12, and remove redundancies/conflicts. See Attachment B and C for the changes proposed (Attachment D provides a clean version of Title 12 with redlines shown as approved).

Landscape maintenance requirements for private property owners were evaluated for possible exemptions. After review by staff, it is recommended that no changes be made to the current language, which already provides the City Manager with the authority to waive maintenance requirements under 12.70.050 and 12.70.080. Staff will include within its internal right of way code compliance policies language to address the issues raised by Council. The current language in the code is as follows:

- Section 12.70.050 H – Right-of-way vegetation maintenance: “Certain planting strips, sidewalks, unimproved right-of-way, and other right-of-way areas may be maintained by the City at the city manager’s discretion.”
- Section 12.70.080 – Exemptions from KMC 12.70.030 and 12.70.050 permitted when: “Other exemptions based upon standards which shall be established by the department.”

MOTION: Adopt Ordinance No. 25-0628, updating Title 12 and Title 18 of the Kenmore Municipal Code (KMC).

Moved by Culver; seconded by Deputy Mayor O’Cain.

VOTE: 7 Yes – Culver, Sasson, Marshall, Srebnik, Loutsis, O’Cain, Herbig; 0 No; 0 Abstain.

MOTION PASSES.

STAFF REPORTS

Interim City Manager Stephanie Lucash reported on the City Staff participating in an immersive work session on the 7 Habits of Highly Effective People. In addition, the State Auditor’s Office is undergoing a lean audit focusing on front desk operations; results to be shared later.

COUNCILMEMBER REPORTS & COMMENTS

Council discussed having more information on a noise monitoring pilot program - Council agreed to wait for Chief Moen to come back to gather more information.

ADJOURNMENT

Mayor Herbig adjourned the meeting at approximately 8:15 PM.

Nigel Herbig, Mayor

Anastasiya Warhol, City Clerk

DRAFT



Voucher Certification & Approval

City of Kenmore

DATE RANGE: 5/24/2025 through 6/6/2025

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Kenmore and that I am authorized to authenticate and certify to said claim. The following checks and electronic payments are approved for payment:

Total EFT Payments: #1855 through 1857	51,753.20
Total Checks: #56399 through 56481	540,548.09
Total Payroll EFT & Bank Drafts: Payroll/Taxes/Health Insurance/ FSA/HSA/Retirement/Life Ins.; Dated 05/30/2025	318,620.74

Stephanie Lucas

06/11/2025

Interim City Manager / Date

Melinda Merrell

06/11/2025

Finance Director / Date

Vendor Name	Payment Number	Payment Date	Description	Amount
AMERICAN TRAFFIC SOLUTIONS INC	1855	06/06/2025	May 2025 KAPE Program	48,534.00
COMMANDLINK	1856	06/06/2025	Jun 2025 City Hall Phone Service	2,786.52
ELECTRONIC BUSINESS MACHINES	1857	06/06/2025	May 2025 Color/BW Copies 2nd floor copier	432.68
Chandler Smith	56399	05/30/2025	Uniform/Footwear Reimbursement	171.43
MICHELLE KANG	56400	05/30/2025	Day of Service Supply Reimbursement	79.16
DEPARTMENT OF LABOR AND INDUSTRIES	56401	05/30/2025	City of Kenmore	3,527.41
DEPARTMENT OF LABOR AND INDUSTRIES	56402	05/30/2025	Void	-
ESD - LTC	56403	05/30/2025	Long Term Care Fund	1,190.85
ESD - PFML	56404	05/30/2025	Paid Family & Medical Leave	2,574.71
4LEAF INC	56405	06/06/2025	Apr 2025 4Leaf Contract 25-C3127	4,413.30
AM TEST, INC	56406	06/06/2025	Swim Beach Monitoring Swamp Creek TMDL	510.00
AMADOR FARMS	56407	06/06/2025	Replacement for check # 54837 Snap/EBT Reimbursement	1.00
AMERICALL	56408	06/06/2025	After Hours Call Out Service	172.66
AMY'S ARITISTIC EXPRESSIONS	56409	06/06/2025	4th of July Event Entertainment	1,995.00
ARMSTRONG SERVICES	56410	06/06/2025	June 2025 Janitorial Services - Hangar Public Works Office City Hall	9,919.17
ARTS OF KENMORE	56411	06/06/2025	May/June 2025 City Hall Gallery	990.00
AURORA RENTS	56412	06/06/2025	Rental Eq for Pothole Repairs on 155th	321.34

Vendor Name	Payment Number	Payment Date	Description	Amount
BECKWITH CONSULTING GROUP	56413	06/06/2025	PROS Plan 2d & 3a	4,200.00
CASCADE PEST CONTROL	56414	06/06/2025	Rhododendron Park Pest Control	167.50
COSTCO	56415	06/06/2025	Jul 2025 Business Membership Renewal	65.00
DAVID MAN CHE CHAN	56416	06/06/2025	Dep Refund Kenmore Hangar May 31 2025	150.00
ELYON MAINTENANCE, INC.	56417	06/06/2025	SR522 Landscape Services (25-C3100) Mitigation Mgmt - Landscape Maint (24-C3074)	23,174.55
EXPLOREN BORGEN LLC	56418	06/06/2025	Content for FindKenmore Instagram Page	1,600.00
GAMES2U	56419	06/06/2025	07/16/25 Summer Movie Dep for Movie Screen Rental	854.00
GAYLYNN BRIEN	56420	06/06/2025	Mar 2025 Sales Tax Data Conversion Svcs	60.00
GCP WW HOLDCO, LLC	56421	06/06/2025	Uniform boots/pants C Payseno C Smith E Ell M Thorsen D Alcaraz L Vega	2,207.52
GORDON THOMAS HONEYWELL	56422	06/06/2025	May 2025 Governmental Affairs Services	4,650.00
GRAINGER	56423	06/06/2025	Park Materials Moorlands	45.06
HEIDELBERG MATERIALS	56424	06/06/2025	Pothole Repair SR 25225 NE 155th	344.52
HILLIS CLARK MARTIN & PETERSON P.S.	56425	06/06/2025	Lakepointe Legal charges	787.50
HORIZON DISTRIBUTORS INC	56426	06/06/2025	City Hall Green Roof Irrigation Parts	34.93
INTEGRA REALTY RESOURCES - SEATTLE	56427	06/06/2025	Thomas property SW0272	3,500.00
KIMLEY HORN AND ASSOCIATES, INC.	56428	06/06/2025	Apr 2025 Kenmore Middle Housing 23-C2995	5,422.50
KING COUNTY FINANCE	56429	06/06/2025	2025 Annual HPP Maintenance Fee	500.00
KING COUNTY FINANCE	56430	06/06/2025	May 2025 Indigent Small Cities Public Defense Scrn	76.00
KING COUNTY FINANCE W.L.R.D.	56431	06/06/2025	2025 WRIA 8 Services	9,533.00
KING COUNTY TREASURY	56432	06/06/2025	Property Taxes: Ald Manor #14 Lots 2&3 Blk 8 (Lot #1) Ald Manor #14 Lot 2 Blk 9 Lot 11-26-04 Blk 9107	1,724.95
KPFF CONSULTING ENGINEERS	56433	06/06/2025	May 2025 Engineering Consulting	62,900.39
MARY MILLER STEPHENS	56434	06/06/2025	May 2025	1,250.00
NARWHAL MET, LLC	56435	06/06/2025	Jun 2025 Weather Monitoring Svcs	425.00
NELSON ELECTRIC, INC.	56436	06/06/2025	City Hall Garage WAP and EV Charger Installation	5,162.87
NORTHSHORE UTILITY DIST	56437	06/06/2025	Mar-May 2025 Water Sewer Irrigation	3,321.80
NORTHWEST ARBORICULTURE LLC	56438	06/06/2025	Tree Evaluation 18505 66th	652.00
OFFICE DEPOT	56439	06/06/2025	Office Depot Misc. Shared Office Supplies	171.21
OFFICE DEPOT	56440	06/06/2025	Void	-
OFFICE DEPOT	56441	06/06/2025	Office Depot Misc. Shared Office Supplies	251.91
OFFICE DEPOT	56442	06/06/2025	Office Depot Misc. Shared Office Supplies	32.15
OFFICE DEPOT	56443	06/06/2025	Void	-
OFFICE DEPOT	56444	06/06/2025	Misc. Office Supplies	255.44
OFFICE DEPOT	56445	06/06/2025	Void	-

Vendor Name	Payment Number	Payment Date	Description	Amount
OFFICE DEPOT	56446	06/06/2025	Office Depot Misc. Shared Office Supplies	28.78
OFFICE DEPOT	56447	06/06/2025	Void	-
OLSON BROTHERS PRO VAC LLC	56448	06/06/2025	Apr 2025 Drainage Maintenance	7,336.11
OSBORN CONSULTING INC.	56449	06/06/2025	TO 1 & TO 2 Critical Area Ordinance Consulting	27,011.32
OUR FAMILY FARM	56450	06/06/2025	Replacement for checks # 52365 & # 54951 Snap/EBT Reimbursements	22.00
OUTCOMES BY LEVY, LLC	56451	06/06/2025	May 2025 Consulting for Grants	600.00
PACE ENGINEERS, INC.	56452	06/06/2025	Apr 2025 On-Call Eng Svcs	9,609.50
PACIFIC TOPSOILS	56453	06/06/2025	Material Disposal	1,245.50
PARAMETRIX INC	56454	06/06/2025	4/5/25 - 5/2/25 Traffic Calming Project & Culvert Replacement Projects	43,312.49
PARKROSE/McLENDONS HARDWARE	56455	06/06/2025	May 2025 PW Ops Supplies & Equipment	206.86
PAWS	56456	06/06/2025	Apr 2025 Animal Sheltering Services 10-C873	238.00
PENDLETON CONSULTING LLC	56457	06/06/2025	May 2025 Council Retreat Facilitator Services	2,944.40
PERFORMANCE SYSTEMS INTEGRATION LLC	56458	06/06/2025	Fire Extinguisher Svcs City Hall, Hangar, PW Off.	326.21
PUGET SOUND ENERGY	56459	06/06/2025	May 2025 Utilities - Electric Park Collective	640.91
REGIONAL ANIMAL SERVICES OF KC	56460	06/06/2025	May 2025 Pet License Sales	30.00
RM HOMES LLC	56461	06/06/2025	Cash Deposit Refund Permit# ENG22-0279	7,500.00
SCHINDLER ELEVATOR CORPORATION	56462	06/06/2025	May 2025 City Hall Elevator Preventative Maint.	2,025.89
SCORE	56463	06/06/2025	Mar 2025 outside Health Svcs Contract 19-C2113	682.00
SHERI GRIMES	56464	06/06/2025	Permit Fee Refund TRE25-0233	40.00
SHRED IT, C/O STERICYCLE, INC>	56465	06/06/2025	May 2025 Shred Pick Up Svcs	147.92
STAPLES	56466	06/06/2025	Parks and Maintenance Equipment & Supplies	947.94
SUPERION, LLC	56467	06/06/2025	Jul 2025-2026 Annual TRAKiT License Maint Fee	2,672.90
T MOBILE USA, INC.	56468	06/06/2025	Staff Cell Phones and Data Plans	1,951.87
TASTAD CONSTRUCTION INC	56469	06/06/2025	NE 190th St Fish Culvert Replacement	199,338.20
THE ORIGINAL POOP BAGS	56470	06/06/2025	Dog Poop Bag Refills	1,419.89
TOTAL LANDSCAPE CORP	56471	06/06/2025	May 2025 Landscape Maintenance - Parks	4,518.20
ULINE	56472	06/06/2025	First Aid Supplies	143.65
US POSTAL SERVICE	56473	06/06/2025	2025 Summer Quarterly Newsletter	2,348.53
UTILITIES UNDERGROUND LOCATION CTR	56474	06/06/2025	May 2025 Utility Locates	282.15
V2WORKS	56475	06/06/2025	May 2025 FindKenmore Shopmore Branding Component	1,897.50
VERIZON WIRELESS	56476	06/06/2025	04/27/05/26/25 Machine to Machine Data Plan	50.04
WA STATE DEPT OF TRANSPORTATION	56477	06/06/2025	May 2025 Traffic Signal Maintenance	448.09
WAGNER ARCHITECTS	56478	06/06/2025	May 2025 PWOC Facility Planning Consult	59,219.95
WESTLAKE HARDWARE WA-153	56479	06/06/2025	Public Works Supplies & Equipment	269.13

Vendor Name	Payment Number	Payment Date	Description	Amount
ZESBAUGH, INC.	56480	06/06/2025	Apr 2025 Prev. Maint. Garage Door at Hangar	1,542.80
ZIPLY FIBER	56481	06/06/2025	05/19-06/18/25 Internet @ PW Office	163.53
MISSION SQUARE / 109964	DFT0002694	05/30/2025	City of Kenmore 401a	29,921.45
MISSION SQUARE / 109964	DFT0002695	05/30/2025	City of Kenmore 401a Loan	234.87
DRS 457	DFT0002696-2697	05/30/2025	DRS 457 Deferred Comp	831.50
MISSION SQUARE 457 / 304745	DFT0002698-2700	05/30/2025	MISSION SQUARE 457 Deferred Comp	7,333.04
NAVIA HSA	DFT0002701	05/30/2025	Employee Health Savings Contribution	200.76
PERS DRS	DFT0002702-08	05/30/2025	Public Employees Retirement	41,485.15
NAVIA FSA	DFT0002709	05/30/2025	Employee Flexible Spending Account	1,087.67
BANNER BANK 941 DEPOSIT	DFT0002710	05/30/2025	Federal Withholding Medicare Social Security	36,722.36
PAYROLL	Electronic Dep	05/30/2025	Direct Deposit	200,803.94
				910,922.03



Vendor Purchasing Report

For Date Range 01/01/2025 - 06/06/2025

City of Kenmore, WA

Name	Amount
2S DESIGN BUILD LLC	143,408.50
4IMPRINT	193.89
4LEAF INC	4,930.80
ABS VALUATION	1,800.00
ACORN CONSULTING LLC	28,500.00
ADVANCE TESTING & SERVICE INC	2,090.00
AFLAC	131.56
AFRICANS ON THE EASTSIDE	750.00
AGORA REFRESHMENTS	1,057.02
AJ AND ASSOCIATES LLC	400.00
ALL CLIMATE HEATING AND AIR	335.27
ALLAN FRANCA VIDEOGRAPHER	350.00
ALPHAGRAPHS	381.92
AM TEST, INC	1,830.00
AMADOR FARMS	1.00
AMERICALL	1,016.96
AMERICAN GENERAL LIFE GPO/400S	1,101.65
AMERICAN PUBLIC WORKS ASSOCIATION	2,015.00
AMERICAN TRAFFIC SOLUTIONS INC	218,470.00
AMY'S ARTISTIC EXPRESSIONS	1,995.00
ANCHOR QEA, LLC	1,294.72
ANSER ADVISORY CONSULTING, LLC	31,103.50
APWA/WA CHAPTER	1,650.00
ARMSTRONG SERVICES	59,515.02
ARTS OF KENMORE	1,980.00
ASSOCIATION OF WA CITIES	23,715.88
ATHINA ABRAHAM	150.00
AURORA RENTS	1,673.92
AWC EMPLOYEE BENEFIT TRUST/VIMLY	525,421.44
AZTECA SYSTEMS, LLC	46,065.54
BANNER BANK 941 DEPOSIT	378,308.75
BASTYR UNIVERSITY	50,250.00
BCN TELECOM, INC.	5,137.74
BECKWITH CONSULTING GROUP	6,000.00
BERNICE CARBAUGH	9,642.80
BIZDIVERSITY	500.00
BOTHELL KENMORE CHAMBER OF COMMERCE	6,500.00
BRIGHT SPARK EARLY LEARNING SERVICES	600.00
Bud Clary Dodge/Chevrolet	51,863.98
BUILDERS EXCHANGE OF WASHINGTON INC	94.80
BULGER SAFE & LOCK, INC.	960.05
CALPORTLAND COMPANY	530.90

Name	Amount
CANON FINANCIAL SERVICES, INC.	1,331.60
CAPITAL ONE TRADE CREDIT/MCLENDON	89.22
CASCADE PEST CONTROL	837.50
CENTER FOR HUMAN SERVICES	25,753.00
CENTRICITY GIS, LLC	19,625.00
Chandler Smith	171.43
CHICAGO TITLE	25.10
CITY OF BELLEVUE	5,860.40
CITY OF KENT	575.00
CITY OF KIRKLAND	31,828.50
CITY OF LAKE FOREST PARK	83,861.00
CITY OF MAPLE VALLEY	1,779.02
CITY WIDE FENCE COMPANY, INC	4,374.94
CIVICPLUS LLC	10,433.67
CLEARVIEW NURSERY, INC.	738.04
CODE PUBLISHING COMPANY	3,722.42
COMCAST	10,972.14
COMCAST BUSINESS	1,205.25
COMMANDLINK	16,637.87
CONFLUENCE ENVIRONMENTAL COMPANY	10,280.27
CONSOLIDATED PRESS	5,762.60
CONVERGINT TECHNOLOGIES	1,369.79
CORINA PFEIL	60.00
COSTAR REALTY INFORMATION INC	4,738.60
CREATION ORGANICS, LLC	2,301.19
CREATIVE HOUSE BRANDING	679.00
CUSTOMINK LLC	2,613.72
D.P. NICOLI, INC.	616.78
DAILY JOURNAL OF COMMERCE	2,220.70
DAMODAR NAGANDLA	1,447.73
DAVID MAN CHE CHAN	150.00
DAVID ORR	2,143.40
DAVID TALLENT	40.00
DEERE & COMPANY	8,115.62
DEPARTMENT OF COMMERCE	115,295.96
DEPARTMENT OF LABOR AND INDUSTRIES	31,200.36
DOMESTIC ABUSE WOMENS NETWORK	1,250.00
DRS 457	8,946.50
DTG RECYCLE	42,354.26
EBIX, INC.	177.86
ELECTRONIC BUSINESS MACHINES	1,221.48
ELYON MAINTENANCE, INC.	69,523.65
ENVIRONMENTAL SYSTEMS RESEARCH INST	21,309.37
ERIC LONG	130.40
ESD - LTC	12,436.43
ESD - PFML	27,038.52
ESD - UI TAX ADMINISTRATION	40.26
EVERMARK, LLC	307.70

Name	Amount
EXPLOREN BORGES LLC	1,600.00
FACET NW, INC.	55,983.59
FERGUSON WATERWORKS #3156	1,089.54
FIRE PROTECTION, INC	5,537.81
FLEMINGS HOLIDAY LIGHTING LLC	1,139.60
FLYNN BEC LP	4,204.13
FOURTEN CREATIVE	70.80
FUELCARE	3,300.32
GAMES2U	854.00
GAYLYNN BRIEN	300.00
GCP WW HOLDCO, LLC	4,406.56
GMP CONSULTANTS LLC	10,030.65
GORDON THOMAS HONEYWELL	23,250.00
GOVERNMENT FINANCE OFFICERS ASSOC	225.00
GRAINGER	410.44
GRANICUS	7,302.76
GREAT FLOORS LLC	2,534.60
GYANCARLO GARCIA	848.97
H.D. FOWLER COMPANY	5,376.57
HDR ENGINEERING, INC	8,768.50
HEALTH MANAGEMENT ASSOCIATES INC	9,135.00
HEIDELBERG MATERIALS	1,613.58
HERRERA ENVIRONMENTAL CONSULTANTS	16,680.95
HESTON PHOTOGRAPHY	725.12
HHX, LLC	1,811.51
HILLIS CLARK MARTIN & PETERSON P.S.	7,638.42
HIMA NURSERY, INC.	6,491.38
HOLMBERG COMPANY	2,113.24
HOME DEPOT CREDIT SERVICES	2,555.60
HONEY BUCKET	838.75
HORIZON DISTRIBUTORS INC	5,249.57
HOUSING CONNECTOR	1,250.00
HRA VEBA TRUST	23,605.31
HUNTINGTON TECHNOLOGY FINANCE	23,690.22
ICAP TRUST	7,500.00
ICLEI	1,200.00
INSLEE, BEST, DOEZIE & RYDER, P.S.	156,283.20
INTEGRA REALTY RESOURCES - SEATTLE	8,000.00
INTERNATIONAL INST OF MUNI CLERKS	235.00
IRUM YASIR BUTT	250.00
ISABELLE MAADI	490.92
IVONNE CASTRO	150.00
iWORQ SYSTEMS	2,800.00
JACOBS ENGINEERING GROUP	226,573.14
JANET SHAW	103.00
JASON RICHARD SPERLING	250.00
JET CITY PRINTING	149.87
KBA INC.	2,102.20

Name	Amount
KELLEY PORTER	248.00
KENDALL FORD OF MARYSVILLE	52,050.68
KENMORE ELEMENTARY PTA	2,500.00
KENMORE HERITAGE SOCIETY	2,500.00
KENMORE LINK LLC	7,500.00
KENMORE MIDDLE SCHOOL	2,500.00
KENMORE SENIOR CENTER	7,812.50
KEY CODE MEDIA, INC.	1,025.47
KIMLEY HORN AND ASSOCIATES, INC.	28,286.50
KING COUNTY BAR ASSOCIATION	200.00
KING COUNTY FINANCE	178,216.11
KING COUNTY FINANCE	1,692.11
KING COUNTY FINANCE	8,145.94
KING COUNTY FINANCE W.L.R.D.	9,533.00
KING COUNTY MUNICIPAL CLERKS ASSOC	60.00
KING COUNTY POLICE CHIEFS ASSOCIATION	50.00
KING COUNTY REGIONAL HOMELESSNESS AUTHORITY	47,666.00
KING COUNTY SHERIFF	1,614,151.00
KING COUNTY TREASURY	89,856.51
KITTRICH CORP	863.97
KPFF CONSULTING ENGINEERS	214,664.18
LAKE CITY PARTNERS ENDING HOMELESSNESS	50,000.00
LANGUAGE LINE SERVICES, INC.	9.80
LIGHTHOUSE CONSULTING INC	73,129.89
LINCOLN NATIONAL LIFE INSURANCE	12,180.00
LOUDEDGE, INC.	95.00
MARY MILLER STEPHENS	6,250.00
McGRATH HUMAN RESOURCES GROUP	4,000.00
MELANIE O'CAIN	657.00
MICHELLE KANG	79.16
MINAL GUHE	400.00
MINUTEMAN PRESS	20,410.20
MISSION SQUARE / 109964	326,777.13
MISSION SQUARE 457 / 304745	87,430.43
MORGAN STANLEY GLOBAL BANKING OPERATIONS	5,000.00
MORUP SIGNS, INC.	1,768.72
MSR KENMORE CREEK HOMES	7,500.00
MSR TRI AT INGLEWOOD LLC	7,500.00
NAMI EASTSIDE	3,437.50
NARWHAL MET, LLC	2,125.00
NATIONAL LIFE INSURANCE CO.	187.50
NATIONAL SCLERODERMA FOUNDATION	150.00
NAVIA FSA	12,364.37
NAVIA HSA	11,358.36
NELSON ELECTRIC, INC.	9,811.99
NIGEL HERBIG	1,458.91
NIKHIL PATNE	250.00
NORTH PACIFIC HOMES LLC	29,369.40

Name	Amount
NORTHSHORE PARK & REC SERVICE AREA	2,720.00
NORTHSHORE SCHOOL DISTRICT	225,430.95
NORTHSHORE SCHOOLS FOUNDATION	750.00
NORTHSHORE SENIOR CENTER	1,562.50
NORTHSHORE UTILITY DIST	52,839.29
NORTHSHORE YOUTH SOCCER ASSOC.	55.00
NORTHWEST ARBORICULTURE LLC	9,547.82
NORTHWEST TROPHY	96.43
NUHSA	1,871.00
OFFICE DEPOT	2,607.89
OLBRECHTS & ASSOCIATES, PLLC	234.00
OLSON BROTHERS PRO VAC LLC	38,624.96
OLYMPIC ENVIRONMENTAL RESOURCES INC	7,378.70
OLYMPIC NURSERY INC	4,405.25
OPEN DOORS FOR MULTICULTURAL FAMILIES	1,250.00
O'REILLY/FIRST CALL	392.85
OSBORN CONSULTING INC.	68,489.37
OUR FAMILY FARM	22.00
OUTCOMES BY LEVY, LLC	9,900.00
PACE ENGINEERS, INC.	68,624.00
PACIFIC AIR CONTROL, INC.	13,978.86
PACIFIC TOPSOILS	3,440.05
PANE'N THE GLASS WINDOW CLEANING LLC	1,100.00
PARAMETRIX INC	241,723.66
PARDALIS GROUP III LLC	3,500.00
PARKROSE/McLENDONS HARDWARE	267.42
PARMA POST & POLE, INC.	1,027.06
PAWS	2,995.00
PENDLETON CONSULTING LLC	8,623.00
PERFORMANCE SYSTEMS INTEGRATION LLC	326.21
PERS DEPT OF RETIREMENT SYSTEMS	433,961.70
PETTY CASH CUSTODIAN	35.26
PLYWOOD SUPPLY	195.01
PROCOM LLC	122.00
PSR MECHANICAL, LLC	3,599.16
PUGET SOUND CLEAN AIR AGENCY	5,845.75
PUGET SOUND EMERGENCY RADIO NETWORK OPERATOR	2,246.40
PUGET SOUND ENERGY	185,088.31
PUGET SOUND FINANCE OFFICERS ASSOC	80.00
PUGET SOUND PLANTS	1,787.31
PULTEGROUP	7,500.00
QUADIENT FINANCE USA INC	2,241.94
QUADIENT LEASING USA, INC.	645.77
RAKESH CHAKARI MALLAREPPA	250.00
RAMEZ DEBBAS	12,511.86
REGIONAL ANIMAL SERVICES OF KC	585.00
REGIONAL CRISIS RESPONSE AGENCY	52,033.25
REPUBLIC SERVICES #172	8,663.18

Name	Amount
RM HOMES LLC	7,500.00
ROADWAY MANAGEMENT TECHNOLOGIES LLC	23,142.00
ROMAN YEROKHIN	6,051.20
ROOPCHAND NARKEDAMILLI	125.00
ROSS MAYER	109.66
SAGACITY MEDIA, INC.	1,200.00
SAMANTHA LOYUK	143.00
SAMUEL RODRIGUEZ	100.00
SARAH ROBERTS	13,072.47
SCHINDLER ELEVATOR CORPORATION	3,173.24
SCORE	60,247.29
SEATTLE PUMP & EQUIPMENT CO	742.19
SEATTLE TIMES	5,958.70
SELENA FITCH	885.05
SELLEN CONSTRUCTION COMPANY, INC.	8,649.60
SENTINEL OFFENDER SERVICES, LLC	609.50
SHANNON & WILSON, INC.	1,800.00
SHERI GRIMES	40.00
SHI INTERNATIONAL CORP.	45,460.77
SHORELINE FIRE DEPT	300.00
SHRED IT, C/O STERICYCLE, INC>	671.27
SISKUN POWER EQUIPMENT	1,798.21
SITESCAPES, INC.	2,790.00
SNOHOMISH COUNTY	12,312.00
SOFTWAREONE, INC.	663.29
SOMERSAULT WELLNESS LLC	3,300.00
SPECIALTY DOOR SERVICE, INC.	394.52
STAPLES	11,003.55
STATE AUDITOR'S OFFICE	14,535.95
STATE OF WA DEPT. OF LICENSING	1.60
STEPHANIE LUCASH	322.00
STEVE GOEWEY	752.89
STEWART MACNICHOLS HARMELL, INC.	25,000.00
SUNBELT RENTALS	184.51
SUPERION, LLC	2,672.90
T MOBILE USA, INC.	9,475.14
TASTAD CONSTRUCTION INC	199,338.20
THE LODGE AT ST. EDWARD PARK	5,081.82
THE ORIGINAL POOP BAGS	1,419.89
THOMCO CONSTRUCTION, INC.	50,000.00
TOASTMASTERS INTERNATIONAL	250.00
TOTAL LANDSCAPE CORP	95,529.17
TOURNESOL SITEWORKS, LLC	2,589.70
Town and Country Fence Inc.	20,740.84
TRUGREEN	2,495.83
TYLER TECHNOLOGIES, INC.	(147.35)
U.S. BANK N.A. / CUSTODY	188.00
U.S. BANK PURCHASE CARDS	128,937.11

Name	Amount
ULINE	2,022.16
UPS STORE KENMORE	364.95
URBAN ACCESSORIES, INC.	3,960.59
US POSTAL SERVICE	4,692.46
UTILITIES UNDERGROUND LOCATION CTR	1,107.33
V2WORKS	3,135.00
VAUGHAN, KENT	1,382.24
VECA ELECTRIC & TECHNOLOGIES, LLC	43,021.00
VERIZON WIRELESS	250.22
VINIT KELKAR	250.00
WA ASSOC OF BUILDING OFFICIALS	290.00
WA CITIES INSURANCE AUTHORITY	907,745.00
WA STATE DEPT OF ENTERPRISE SVCS	12,761.16
WA STATE DEPT OF LABOR & INDUSTRIES	398.40
WA STATE DEPT OF TRANSPORTATION	1,420.21
WAGNER ARCHITECTS	285,782.13
WALTER E. NELSON CO.	1,492.37
WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS	1,759.31
WASHINGTON AUDIOLOGY SERVICES, INC.	1,163.40
WASHINGTON AUTISM ALLIANCE	500.00
WASHINGTON CITY/COUNTY MGMT ASSOC	1,235.00
WASHINGTON STATE DEPARTMENT OF ECOLOGY	14,936.00
WASHINGTON STATE OFFICE CASH MGMT	195.50
WASHINGTON STATE TREASURER	3,051.76
WEST COAST PLUMBING AND HEATING, INC.	823.20
WESTERN DISPLAY FIREWORKS, LTD.	16,000.00
WESTERN ENTRANCE TECHNOLOGY, LLC	606.10
WESTLAKE HARDWARE WA-153	1,635.28
WM CORPORATE SERVICES INC.	25,102.93
WONDERLAND CHILD & FAMILY SERVICES	500.00
WOODINVILLE FARMERS MARKET	5,000.00
WSDOT/LTAP CENTER	525.00
XEROX CORPORATION	2,679.61
XYLEM LLC	5,643.91
YOU LEE KIM	150.00
ZESBAUGH, INC.	1,542.80
ZIPLY FIBER	4,389.58
ZONAR SYSTEMS	544.56
ZUMAR	311.63

VList 06.06.25 for signing

Final Audit Report

2025-06-11

Created:	2025-06-11
By:	Jenilee Knox (jknox@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2J2HzoYYF6PPnF-7P7t-q8xMUNrdStyz

"VList 06.06.25 for signing" History

-  Document created by Jenilee Knox (jknox@kenmorewa.gov)
2025-06-11 - 3:48:25 PM GMT
-  Document emailed to Melinda Merrell (mmerrell@kenmorewa.gov) for signature
2025-06-11 - 3:50:14 PM GMT
-  Email viewed by Melinda Merrell (mmerrell@kenmorewa.gov)
2025-06-11 - 4:06:51 PM GMT
-  Document e-signed by Melinda Merrell (mmerrell@kenmorewa.gov)
Signature Date: 2025-06-11 - 4:07:07 PM GMT - Time Source: server
-  Document emailed to Stephanie Lucash (slucash@kenmorewa.gov) for signature
2025-06-11 - 4:07:09 PM GMT
-  Email viewed by Stephanie Lucash (slucash@kenmorewa.gov)
2025-06-11 - 4:56:22 PM GMT
-  Document e-signed by Stephanie Lucash (slucash@kenmorewa.gov)
Signature Date: 2025-06-11 - 4:56:37 PM GMT - Time Source: server
-  Agreement completed.
2025-06-11 - 4:56:37 PM GMT



2025 EXTERNAL SUPPORT PROGRAM

CAPITAL PROJECT GRANT AGREEMENT

Department/Division: Office of Performance, Strategy and Budget (PSB)

Grant Recipient: City of Kenmore

Project: Kenmore Senior Center Improvements

Award Amount: \$250,000 Contract#: 6495447

Term Period: January 1, 2025 To December 31, 2026

THIS AGREEMENT is a grant agreement (“Agreement”) entered into between City of Kenmore (the “Grant Recipient”) and King County (the “County”) (collectively the “Parties”) for an External Support Program capital projects grant (“Grant Award”).

RECITALS

- A. The 2025 Adopted Budget appropriates funds to the Office of Performance, Strategy and Budget for investments to be allocated to capital projects with a public purpose in King County.
- B. King County, a home rule charter county and political subdivision of the State of Washington, is authorized to administer the External Support capital projects and enter into agreements for the use of grant funds for community projects to be built, replaced, or remodeled, such as buildings, sidewalks, landscaping improvements, community gardens, signs, technology infrastructure, and play structures.
- C. The Scope of Work attached as Exhibit B has been developed in consultation with the Grant Recipient and, as detailed in the Scope of Work, the Project serves a fundamental governmental purpose, is a County purpose for which the County is receiving consideration, or is a County purpose in support of communities.

NOW THEREFORE, in consideration of the promises, covenants, and other provisions set forth in this Agreement, the Parties agree as follows:

GRANT AWARD TERMS AND CONDITIONS

1. DEFINITIONS

1.1 Project.

The term “Project” means the design and other preconstruction work necessary to develop, development and construction of the Facility described in **Exhibit A**. Funds provided pursuant to the Grant Award available pursuant to this Agreement (“Grant Award Funds”) may only be used for the Project. To complete the Project, Grant Recipient shall use the Grant Award Funds to design and other preconstruction work necessary to, develop, and construct the Facility, consistent with the requirements set forth in this Agreement and in the following attached exhibits, which are incorporated herein by reference:

☐	Map of Facility and Location	Attached as Exhibit A
☐	Scope of Work	Attached as Exhibit B
☐	Project Budget	Attached as Exhibit C
☐	Timeline, Milestones, & Performance Metrics	Attached as Exhibit D
☐	Insurance Requirements	Attached as Exhibit E
☐	Tax Covenants	Attached as Exhibit G
☐	Prevailing Wage Certification	Attached as Exhibit H
☐	Final Report	Attached as Exhibit F

1.2 Map of Facility and Location. This Agreement applies to the Project to improve the facility (“Facility”) which is located at:

6910 NE 170th St, Kenmore, WA 98028

See **Exhibit A** for a depiction of the Facility and a map of specific Facility location and boundaries.

1.3 Scope of Work. Grant Recipient shall provide a scope of work (“Scope of Work”), attached hereto as **Exhibit B**, which describes the Project purpose and community benefits in detail and includes a description of the various design, development, permitting, and other preconstruction milestones required for completion of the Project and intended use of the Grant Award Funds. Grant Recipient shall apply the funds received from the County for the Project under this Agreement in accordance with the Scope of Work, attached hereto as **Exhibit B**.

1.4 Project Budget. Grant Recipient shall work with King County to develop a Project Budget, attached hereto as **Exhibit C**. King County shall provide the Grant Award Funds to the Grant Recipient to pay for costs and expenditures related to the Project, as set forth in **Exhibits B, C, D** and **G**. Grant Award Funds provided to Grant Recipient may only be used to pay for costs and expenditures related to the Project, as set forth in **Exhibits B, C, D** and **G**. The Grant Award is funded with the proceeds of County bonds issued on a tax-exempt basis and is subject to the tax covenants set

forth in **Exhibit G**.

- 1.5 Contractor. Contractor shall include any contractor or consultant hired by Grant Recipient, including any of the contractor's or consultant's subcontractors or subconsultants.

2. EFFECTIVE DATE

The Agreement shall be effective upon signature by both Parties ("Effective Date").

3. TERM

The term ("Term") of this Agreement shall begin on the Effective Date and end on **December 31, 2026**. This Agreement shall remain in effect until such time as it is amended in writing or terminated as provided herein.

4. AMENDMENTS

This Agreement together with the attached exhibits is the whole Agreement between the Parties. This Agreement may be amended only in writing, duly executed by the Parties. Either party may request changes to this Agreement.

5. NOTICES

Unless otherwise specified in the Agreement, all notices or documentation required or provided pursuant to this Agreement shall be in electronic form and shall be deemed duly given when received at the addresses below via electronic mail.

KING COUNTY	CITY OF KENMORE
Dwight Dively	Stephanie Lucash
Budget Director	City Manager
King County	City of Kenmore
401 5th Ave	18120 68 th Ave NE
Seattle, WA 98104	Kenmore, WA 98028
(206) 263-9687	425-984-6160
Dwight.dively@kingcounty.gov	slucash@kenmorewa.gov

Either Party may, at any time, by giving ten (10) days written notice to the other Party to designate any other notice address.

6. DISBURSEMENT OF GRANT FUNDS

- 6.1 The County may authorize, at the County's sole discretion, release of a portion of the Grant Award Funds to Grant Recipient, upon execution of this Agreement, and receipt of Grant Recipient's County-approved completed Scope of Work and Project Budget (see Section 1 and **Exhibits B and C**).
- 6.2 The County shall initiate authorization for payment and disbursement of Grant Award Funds after approval of sufficiently detailed Project-related invoices submitted by Grant Recipient. The County shall make payment to Grant Recipient not more than thirty (30) days after a complete and accurate invoice and any other required documentation is received and approved.

- 6.3 Grant Recipient shall submit the final invoice, supporting documentation and any outstanding deliverables, as specified in the Scope of Work (**Exhibit B**) and Project Budget (**Exhibit C**), within thirty (30) days of the date this Agreement expires or is terminated. If the Grant Recipient’s final invoice, supporting documentation and reports are not submitted by that day, the County will be relieved of all liability for payment to Grant Recipient of that invoice or any subsequent invoice.

7. GRANT REPORTING

All Grant Award Funds received pursuant to this Agreement must be accounted for separately from all other Grant Recipient accounts and moneys. Until the Project is completed, and all proceeds provided pursuant to this Agreement have been expended, the Grant Recipient shall provide reports to the King County Project Manager on a schedule determined by the County.

8. COMPLETION OF THE PROJECT

Grant Recipient shall complete the Project described in Section 1.1 and **Exhibits A, B and C** of this Agreement. If Grant Recipient cannot complete the Project as described, the County shall be released from any obligation to fund the Project, and the County in its sole discretion may reallocate such funds for other projects, including in other jurisdictions.

Pursuant to Section 19, Termination, this Agreement will be terminated if the Grant Recipient is unable or unwilling to expend the Grant Award Funds for the Project as provided in this Agreement. The Grant Recipient may not redirect Grant Award Funds for a purpose other than completion of the Project as described in the Scope of Work in at **Exhibit B**.

9. COMMUNICATION AND KING COUNTY MILESTONE NOTIFICATION

Grant Recipient shall recognize County as a “grant sponsor” for the Project in the following manner:

- 9.1 Events: Grant Recipient shall invite and recognize Office of Performance, Strategy and Budget, and the King County logo at all events promoting the Project, and at the final Project dedication.
- 9.2 Community Relations: Grant Recipient shall recognize King County in all social media, websites, brochures, banners, posters, press releases, and other promotional material related to the Project.
- 9.3 King County Notification: Grant Recipient shall notify the King County Project Manager and the Office of Performance, Strategy and Budget 30 days prior to any major milestone, such as a groundbreaking or opening dates.
- 9.4 King County Council Notification: If Grant Recipient is a school district or other governmental entity, notification to the King County Council 30 days prior to any major milestone, such as a groundbreaking or opening dates, is required.
- 9.5 Signage: Grant Recipient shall recognize King County on any signage as a funder/contributor of project/facility. Grant Recipient is required to use appropriate King County logo on any signage and communications.

10. DISPOSITION OF REMAINING GRANT AWARD FUNDS

Any Grant Award proceeds in excess of those required to be provided by the County for the actual costs of the Project shall remain with the County for use in its sole discretion consistent with the requirements applicable to the bonds that funded the Grant Award.

11. PUBLIC ACCESS

The Grant Award is provided to Grant Recipient for the Project for the purpose of making improvements to the Kenmore Senior Center around accessibility, safety, security, and other interior updates for the residents of King County. Therefore, Grant Recipient and any successor in interest agree to maintain the Facility for public use as set forth in Restrictive Covenant Agreement set forth at **Exhibit F**. The Facility shall be open and accessible to the public at reasonable hours and times. The Grant Award will not be used to pay costs of any facility, place or building to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship. If the Grant Award is used to pay costs of a mixed-use facility that is used in part for sectarian instruction or study or as a place for devotional activities or religious worship, the Grant Award shall be applied to, and shall not exceed, the portion of the costs that can be allocated to other activities, such as community center activities. These restrictions apply to all grantees, not just faith-based organizations.

If the Grant Award is used to pay costs of a mixed-use facility that includes both community or public uses and private commercial uses, the Grant Award shall be applied to, and shall not exceed, the portion of the costs that can be allocated to community and other public uses, such as community center activities.

Grant Recipient shall notify the public of the availability of use by posting and updating that information on its website and by maintaining at entrances and/or other locations openly visible signs with such information. Fees for use of the Facility shall be no greater than those generally charged by public operators of similar facilities in King County.

Notwithstanding temporary closure for required maintenance or repairs, the minimum period of time Grant Recipient must ensure the Project is available for public use is for twelve (12) years from Facility completion. If the Facility is retired or otherwise removed from use before the end of the 12-year period, then in addition to pursuing any remedies under the executed and recorded Restrictive Covenant Agreement attached hereto as **Exhibit F**, the County may require the Grant Recipient to reimburse King County for the Grant Award Funds plus interest from the date of the Grant Award calculated based on the County's cost of funds. **Grant Recipient's duties under this Section 11 will survive the expiration or earlier termination of this Agreement.**

12. COVENANTS

12.1 Restrictive Covenants. Upon completion of construction of the Facility, Grant Recipient shall record the executed Restrictive Covenant Agreement, attached hereto as **Exhibit F**.

12.2 Tax Covenants. Grant Recipient shall comply with the tax covenants set forth in **Exhibit G**.

13. CONSTRUCTION OF THE FACILITY

13.1 Capital Improvements.

Grant Recipient shall design develop, and construct mutually agreed upon Facility, features, and amenities in accordance with all applicable design(s), timelines, restrictions, environmental considerations, permitting determinations, neighborhood impact mitigations, and all other requirements in coordination with King County staff. All contracted work by Grant Recipient, its agents, representatives, or subcontractors, shall be bonded and properly insured to ensure the complete and safe design and construction of all facilities, features, and amenities. As between Grant Recipient and King County, Grant Recipient will be solely responsible to comply with all applicable authorities and to obtain all necessary permits, approvals, and endorsements for the Project.

13.2 Warranties.

With respect to all warranties, express or implied, for work performed or materials supplied in connection with the Project, Grant Recipient shall:

- Obtain all warranties, express or implied, that would be given in normal commercial practice from suppliers, manufacturers, contractors or installers;
- Require all warranties be executed, in writing;
- Be responsible to enforce any warranty of a contractor, subcontractor, manufacturer, or supplier.

If, within an applicable warranty period, any part of the Facility or work performed to construct the Facility is found not to conform to specifications, permit requirements, or industry standard, Grant Recipient shall correct it promptly.

13.3 Right to Inspect-Construction.

King County personnel or agents may inspect the Project work at any time provided that such persons observe due regard for workplace safety and security. King County may require Grant Recipient or its contractors to stop work if King County deems work stoppage necessary to remedy construction defects or to address risks to health, safety, or welfare. Grant Recipient specifically understands, acknowledges, and agrees that at a minimum, King County will inspect the Facility construction project before final completion of the Facility.

13.4 Design.

Grant Recipient has retained a licensed architect and/or licensed professional engineer, registered in the State of Washington, who will prepare a Project design for the Facility and exterior landscaping, which visually blends with the setting. King County shall review the design plans for the Facility in concept and reserves the right to approve the final design of the Facility, consistent with established zoning, design code, or both.

13.5 Alteration of Site or Facility after Construction.

After the Facility is completed and accepted by Grant Recipient and King County as defined herein, Grant Recipient will not make any material alteration to the Facility without express, written consent by King County.

13.6 Development and Construction Fees and Expenses.

Grant Recipient will be responsible to obtain and pay for all necessary permits, fees, and expenses associated with the Project.

13.7 Public Works Laws.

The Grant Recipient certifies that all contractors and subcontractors performing work on the Project shall comply with state Prevailing Wages on Public Works, Chapter 39.12 RCW, as applicable to the Project funded by the Grant Award, including but not limited to the filing of the “Statement of Intent to Pay Prevailing Wages” and “Affidavit of Wages Paid” as required by RCW 39.12.040. The Grant Recipient shall maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and shall make such records available for King County Office of Performance, Strategy and Budget review upon request. Grant Recipient will comply with all other applicable public works laws, regulations, and ordinances, including but not limited to those related to retainage (see RCW 60.28), bonding (see RCW 39.08), use of licensed contractors (see RCW 39.06), and competitive bidding (see RCW 36.32 and RCW 35.21.278). Grant Recipient will indemnify and defend King County should it be sued or made the subject of an administrative investigation or hearing for a violation of such laws, regulations, and ordinances in connection with the improvements.

13.8 Contractor Indemnification and Hold Harmless.

Grant Recipient will require its Contractor(s), including construction contractors, and subcontractors to defend, indemnify, and hold King County, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney's fees and costs, arising out of or in connection with the design, development, and construction of the Facility (hereinafter “Design and Construction Phase”), except for injuries and damages caused by the negligence of King County.

13.9 Minimum Scope and Limits of Insurance.

Grant Recipient shall maintain, and/or require its Contractor(s) to maintain the minimum scope and limits of insurance as required in **Exhibit E – Insurance Requirements**.

14. INTERNAL CONTROL AND ACCOUNTING SYSTEM

Grant Recipient shall establish and maintain a system of accounting and internal controls sufficient to comply, and demonstrate compliance, with all financial, reporting, record keeping and other requirements under this Agreement.

15. MAINTENANCE OF RECORDS

15.1 Grant Recipient shall maintain accounts and records, including personnel, property, financial, Project records, and Agreement deliverables, to ensure proper accounting for all Grant Award Funds and compliance with this Agreement

15.2 These records shall be maintained for the later of (a) six (6) years after the expiration or earlier termination of this Agreement and (b) three (3) years after the final maturity of the bonds that funded the Grant Award. Unless otherwise notified by King County Office of Performance, Strategy and Budget, Grant Recipient may assume that the final maturity of the bonds that funded the Grant Award is twelve (12) years after the date of the final payment of Grant Award Funds under this Agreement.

16. RIGHT TO INSPECT

King County reserves the right to review and approve the performance of Grant Recipient with regard to this Agreement, and, at its sole discretion, to inspect or audit the Grant Recipient's records regarding this Agreement and the Project upon seventy-two (72) hours' notice during normal business hours.

17. COMPLIANCE WITH ALL LAWS AND REGULATIONS

Grant Recipient shall comply with all applicable laws, ordinances and regulations in using funds provided by the County and in completing the Project and providing programming at the Project, including, without limitation, those relating to providing programming on a nondiscriminatory basis, providing a safe working environment to employees and, specifically, the requirements of the Washington Industrial Safety and Health Act (WISHA); and those related to "public works," payment of prevailing wages, and competitive bidding of contracts. The Grant Recipient specifically agrees to comply and pay all costs associated with achieving such compliance without notice from King County; and further agrees that King County, does not waive this Section by giving notice of demand for compliance in any instance. The Grant Recipient shall indemnify and defend the County should it be sued or made the subject of an administrative investigation or hearing for a violation of such laws related to this Agreement.

18. CORRECTIVE ACTION

18.1 If the County determines that a breach of contract has occurred or does not approve of the Grant Recipient's performance, it will give the Grant Recipient written notification of unacceptable performance. Grant Recipient will then take corrective action within a reasonable period of time, as may be defined by King County in its sole discretion in its written notification to Grant Recipient.

18.2 King County may withhold any payment owed Grant Recipient until the County is satisfied that corrective action has been taken or completed.

19. TERMINATION

19.1 If the termination results from acts or omissions of Grant Recipient, including but not limited to misappropriation, nonperformance of required services, or fiscal mismanagement, Grant Recipient shall return to the County immediately any funds, misappropriated or unexpended, which have been paid to Grant Recipient by the County.

19.2 Any King County obligations under this Agreement beyond the current appropriation biennium are conditioned upon the County Council's appropriation of sufficient funds to support such obligations. If the Council does not approve such appropriation, then this Agreement will terminate automatically at the close of the current appropriation

biennium.

- 19.3 The Agreement will be terminated if the Grant Recipient is unable or unwilling to expend the Grant Award Funds as specified in Section 1 and Exhibits B, C and F, or upon reimbursement by the Grant Recipient to the County of all unexpended proceeds provided by the County pursuant to this Agreement and payment of all amounts due pursuant to Section 6.

20. FUTURE SUPPORT; UTILITIES AND SERVICE

The County makes no commitment to support the Project or Facility contracted for herein and assumes no obligation for future support of the Project or Facility contracted for herein except as expressly set forth in this Agreement. Grant Recipient understands, acknowledges, and agrees that the County shall not be liable to pay for or to provide any utilities or services in connection with the Project or Facility contemplated herein.

21. HOLD HARMLESS AND INDEMNIFICATION

Grant Recipient shall protect, indemnify, and save harmless the County, its officers, agents, and employees from and against any and all claims, costs, and/or losses whatsoever occurring or resulting from (1) Grant Recipient's failure to pay any such compensation, wages, benefits, or taxes, and/or (2) work, services, materials, or supplies performed or provided by Grant Recipient's employees or other suppliers in connection with or support of the performance of this Agreement.

Grant Recipient further agrees that it is financially responsible for and will repay the County all indicated amounts following an audit exception which occurs due to the negligence, intentional act, and/or failure, for any reason, to comply with the terms of this Agreement by the Grant Recipient, its officers, employees, agents, representatives, or subcontractors. This duty to repay the County shall not be diminished or extinguished by the expiration or prior termination of the Agreement.

Grant Recipient agrees for itself, its successors, and assigns, to defend, indemnify, and hold harmless King County, its appointed and elected officials, and employees from and against liability for all claims, demands, suits, and judgments, including costs of defense thereof, for injury to persons, death, or property damage which is caused by, arises out of, or is incidental to any use of or occurrence on the Project that is the subject of this Agreement, or Grant Recipient's exercise of rights and privileges granted by this Agreement, except to the extent of the County's sole negligence. Grant Recipient's obligations under this Section shall include:

- A. The duty to promptly accept tender of defense and provide defense to the County at the Grant Recipient's own expense;
- B. Indemnification of claims made by Grant Recipient's employees or agents; and
- C. Waiver of Grant Recipient's immunity under the industrial insurance provisions of Title 51 RCW, but only to the extent necessary to indemnify King County, which waiver has been mutually negotiated by the parties.

In the event it is necessary for the County to incur attorney's fees, legal expenses or other costs to enforce the provisions of this Section, all such fees, expenses and costs shall be

recoverable from the Grant Recipient.

In the event it is determined that RCW 4.24.115 applies to this Agreement, the Grant Recipient agrees to protect, defend, indemnify and save the County, its officers, officials, employees and agents from any and all claims, demands, suits, penalties, losses damages judgments, or costs of any kind whatsoever for bodily injury to persons or damage to property (hereinafter “claims”), arising out of or in any way resulting from the Grant Recipient’s officers, employees, agents and/or subcontractors of all tiers, acts or omissions, performance of failure to perform the rights and privileges granted under this Agreement, to the maximum extent permitted by law or as defined by RCW 4.24.115, as now enacted or hereafter amended.

A hold harmless provision to protect King County similar to this provision shall be included in all Agreements or subcontractor Agreements entered into by Grant Recipient in conjunction with this Agreement. **Grant Recipient’s duties under this Section 21 will survive the expiration or earlier termination of this Agreement.**

22. NONDISCRIMINATION

King County Code (“KCC”) chapters 12.16, 12.17 through 12.18 apply to this Agreement and are incorporated by this reference as if fully set forth herein. In all hiring or employment made possible or resulting from this Agreement, there shall be no discrimination against any employee or applicant for employment because of sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

23. CONFLICT OF INTEREST

KCC Chapter 3.04 (Employee Code of Ethics) is incorporated by reference as if fully set forth hence, and Grant Recipient agrees to abide by all conditions of said chapter. Failure by Grant Recipient to comply with any requirement of said KCC Chapter shall be a material breach of contract.

24. POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property, or services provided directly or indirectly under this Agreement shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

25. PROJECT MAINTENANCE; EQUIPMENT PURCHASE, MAINTENANCE, AND OWNERSHIP

- A. As between the County and Grant Recipient, Grant Recipient shall be responsible to operate and maintain the completed Facility at its own sole expense and risk. Grant Recipient shall maintain the completed Facility in good working condition consistent with applicable standards and guidelines. Grant Recipient understands, acknowledges, and agrees that the County is not responsible to operate or to maintain the Facility in any way.
- B. Grant Recipient shall be responsible for all property purchased pursuant to this Agreement, including the proper care and maintenance of any equipment.

- C. Grant Recipient shall establish and maintain inventory records and transaction documents (purchase requisitions, packing slips, invoices, receipts) of equipment and materials purchased with Grant Award Funds. **Grant Recipient's duties under this Section shall survive the expiration of this Agreement and remain in effect for the period set forth in Section 15.**

26. ASSIGNMENT

Grant Recipient shall not assign any portion of rights and obligations under this Agreement or transfer or assign any claim arising pursuant to this Agreement without the written consent of the County. Grant Recipient must seek such consent in writing not less than fifteen (15) days prior to the date of any proposed assignment.

27. WAIVER OF BREACH OR DEFAULT

Waiver of breach of any provision in this Agreement shall not be deemed to be a waiver of any subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such through written approval by the County, which shall be attached to the original Agreement. Waiver of any default shall not be deemed to be a waiver of any subsequent defaults.

28. TAXES

Grant Recipient agrees to pay on a current basis all taxes or assessments levied on its activities and property, including, without limitation, any leasehold excise tax due under RCW Chapter 82.29A; PROVIDED, however, that nothing contained herein will modify the right of the Grant Recipient to contest any such tax, and Grant Recipient shall not be deemed to be in default as long as it will, in good faith, be contesting the validity or amount of any such taxes.

29. WASHINGTON LAW CONTROLLING; WHERE ACTIONS BROUGHT

This Agreement is made in and will be in accordance with the laws of the State of Washington, which will be controlling in any dispute that arises hereunder. Actions pertaining to this Agreement will be brought in King County Superior Court, King County, Washington.

30. PUBLIC DOCUMENT

This Agreement will be considered a public document and will be available for inspection and copying by the public.

31. LEGAL RELATIONS

Nothing contained herein will make, or be deemed to make, County and Grant Recipient a partner of one another, and this Agreement will not be construed as creating a partnership or joint venture. Nothing in this Agreement will create, or be deemed to create, any right, duty or obligation in any person or entity not a party to it.

32. PERMITS AND LICENSES

Grant Recipient shall complete the Project in accordance with all applicable laws and regulatory requirements including environmental considerations, permitting determinations, and other legal requirements. All activities shall be performed by Grant

Recipient at its sole expense and liability. Grant Recipient shall, at its sole cost and expense, apply for, obtain and comply with all necessary permits, licenses and approvals required for the Project.

33. INTERPRETATION OF COUNTY RULES AND REGULATIONS

If there is any question regarding the interpretation of any County rule or regulation, the County decision will govern and will be binding upon the Grant Recipient.

34. ENTIRE AGREEMENT

This Agreement, including its attachments, constitutes the entire Agreement between the County and Grant Recipient. It supersedes all other agreements and understandings between them, whether written, oral or otherwise.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the first date written.

KING COUNTY

CITY OF KENMORE

Signature _____

Signature _____

Name __Dwight Dively_____

Name __Stephanie Lucash_____

Title __Budget Director_____

Title __City Manager_____

Date _____

Date _____

Exhibit A- Map of Facility and Location

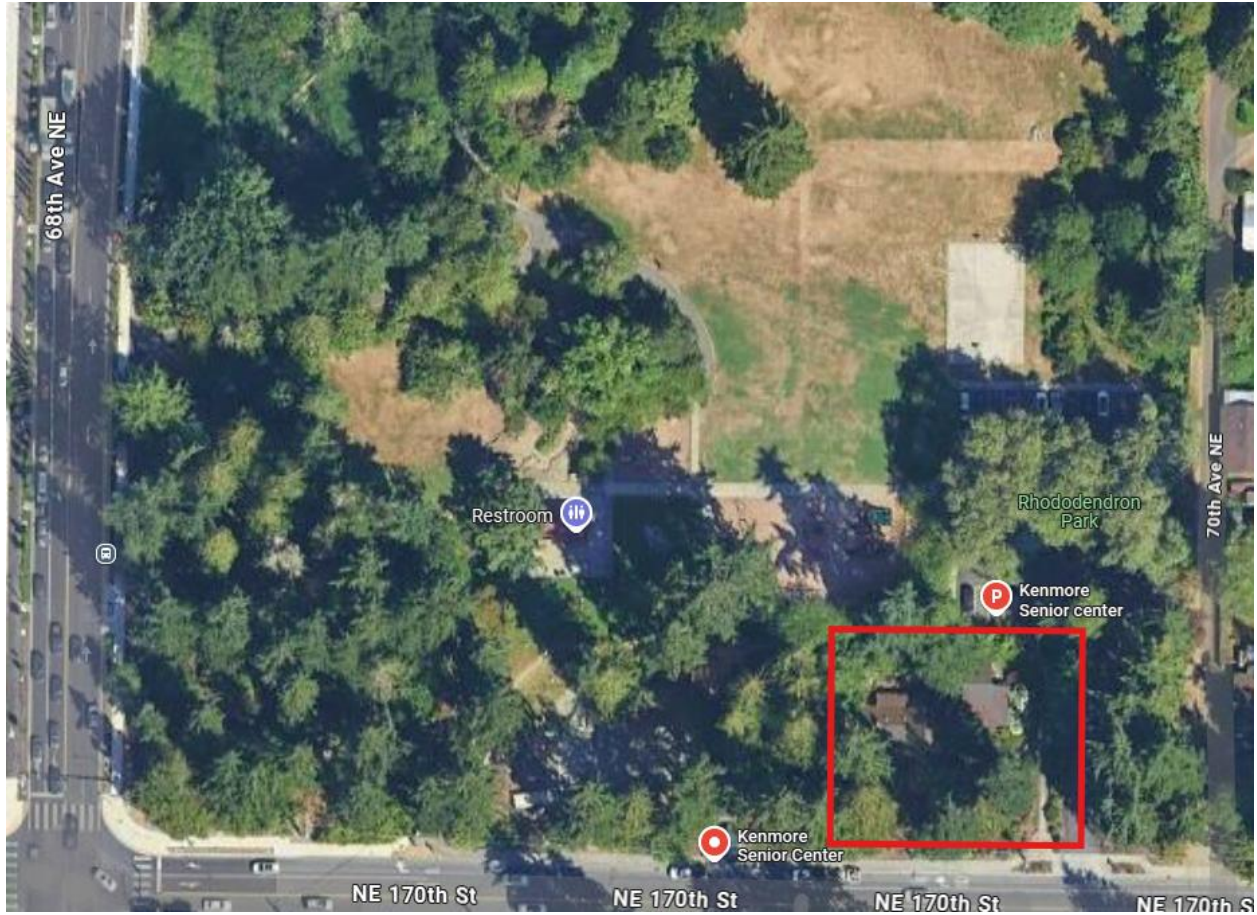


Exhibit B- Scope of Work

King County External Support Grant Scope of Work

Project Name: Kenmore Senior Center Improvements

Organization Name: City of Kenmore

Total Budget Amount: \$250,000

Contact: Jennifer Gordon, jgordon@kenmorewa.gov, 425-984-6160

I. INTRODUCTION

The Kenmore Senior Center (an extension of Northshore Senior Center in Bothell) operates out of a leased space owned by the City of Kenmore located at Rhododendron Park. The buildings were originally constructed as a residential home and a detached garage built in 1948 that were converted into what is now the Kenmore Senior Center and Annex. Updates have been made to the Kenmore Senior Center as funds become available, but the nature of the improvements planned with the County's grant funds will be centered around accessibility, safety, security, and other interior updates.

II. OBJECTIVES

- Improve safety, security and accessibility
- Repair and replace old and outdated features and fixtures that will contribute to all of the above and improve energy efficiency.

III. PROJECT/PROGRAM DESCRIPTION

- Conduct an ADA assessment and evaluation.
- Design and construct ADA improvements.
- Replace windows.
- Replace electric panels and all wiring.
- Replace light fixtures with LED.
- Design and construct a new storefront entrance with improved visibility.
- Replace flooring.
- Add/install a new sink in the Annex.

Exhibit C- Project Budget**KING COUNTY PROGRAM INFORMATION**

King County Program ID:	
Funding Source:	Bond-Capital
Division:	PSB

King County Grant Manager:	Will Suarez
Full Program Name:	Kenmore Senior Center Improvements

KING COUNTY ORACLE EBS INFORMATION

P:	
O:	
E:	
T:	
A:	

CONTRACTOR INFORMATION

Organization Name:	City of Kenmore
Contact Person Name:	Jennifer Gordon
Contact Person Email:	jgordon@kenmorewa.gov
Organization Address:	Kenmore City Hall
Address Line 2:	18120 68th Ave NE
	Kenmore, WA 98028

King County Supplier #:	
PSB Contract #:	
Grant/Contract Period:	

TOTAL GRANT SUMMARY BUDGET

Eligible Expense Category	Requested Funds	Other Funding Sources	Total Program Cost
Equipment (> \$5,000 per unit)	\$ -		\$ -
Supplies	\$ -		\$ -
Subawards - Contracted	\$ 250,000.00		\$ 250,000.00
Other Direct Costs	\$ -		\$ -
	\$250,000.00	\$0.00	\$250,000.00

DETAILED BUDGET BY EXPENSE CATEGORY

Eligible Expense Category	Unit Definition	# of Units	Unit Price	# of Months	Total	Notes
Examples						
Position title	Hrs/month	160	\$ 25.00	9	\$ 36,000.00	
Laptops	units, one time	50	\$ 500.00	1	\$ 25,000.00	
Health insurance premium	plans	5	\$ 350.00	9	\$ 15,750.00	
Wi-fi hotspots with data plans	units, one time	100	\$ 225.00	1	\$ 22,500.00	prepaid for the year, includes cost of the hotspots with a data plan
Office supplies	one time	n/a	\$ 1,000.00	1	\$ 1,000.00	
Equipment (> \$5,000 per unit)					\$ -	
					\$ -	
					\$ -	
					\$ -	
					\$ -	
Subtotal		0	\$ -	0	\$ -	
Contracted Services					\$ -	
ADA Consultant					\$ 12,000.00	ADA Assessment
Architect					\$ 20,000.00	Design new storefront entrance and ADA improvements
Electrician					\$ 55,000.00	Replace electrical panels and wiring, replace switches, and install LED light fixtures
Plumber					\$ 20,000.00	Install new Annex sink, Kitchen sink, Replace main plumbing
ADA Contractor					\$ 40,000.00	Install ADA improvements
Flooring					\$ 18,000.00	Replace carpet & vinyl
Carpenter					\$ 20,000.00	Cabinets & countertop
Windows					\$ 30,000.00	Replace all windows
Door Contractor					\$ 35,000.00	Storefront door installation, replace other exterior & interior doors
Subtotal		0	\$ -	0	\$ 250,000.00	
Other Direct Costs					\$ -	
					\$ -	
					\$ -	
					\$ -	
					\$ -	
Subtotal		0	\$ -	0	\$ -	
TOTAL		0	\$ -	0	\$ 250,000.00	

Exhibit D- Timeline, Milestones & Performance Metrics**PROJECT/PROGRAM PERIOD**

Aspects of the project may be going concurrently by separate contractors.

- Install a new sink in Annex Building January 2025-June 2025
- Secure consultant to perform and ADA assessment. Present through August 2025
- Develop & Plan projects. Present through September 2025.
- Construction documentation: Present through October 2025.
- Bidding and award: Present through February 2026
- Project construction: Present through November 2026.
- Project completion: December 2026.

KEY MILESTONES AND DELIVERABLES

Deliverable	Description	Due Date
Virtual Monitoring Meetings	Check-ins between City of Kenmore and King County staff to review program progress and discuss any emerging issues (to be scheduled by King County Grants Manager)	October 2025, January 2026, April 2026, July 2026, October 2026, January 2027
Invoices (with proof of payment)	Monthly payment requests for delivered services	Starting Q2 of 2025
Final Report	Narrative report with program results, lessons learned, and cumulative performance data for the full period of performance	January 2027

Exhibit E- Insurance Requirements

Insurance Requirements. Recipient shall procure and maintain for the term of this Contract, insurance covering King County as an additional insured, as described in this section, against claims which may arise from, or in connection with, the performance of work hereunder by the Recipient, its agents, representatives, employees, and/or subcontractors. Recipient shall provide evidence of the insurance required under this Contract, including a Certificate of Insurance and Endorsements covering King County as additional insured for full coverage and policy limits upon request by King County. The costs of such insurance shall be paid by the Recipient.

The Recipient shall maintain the following types of insurance and minimum insurance limits and requirements:

- Commercial General Liability: \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury, personal and advertising injury, and property damage. Coverage shall be at least as broad as that afforded under ISO form number CG 00 01 current edition. Such insurance shall include coverage for, but not limited to, ongoing operations, products and completed operations, and contractual liability. Such limits may be satisfied by a single primary limit or by a combination of separate primary and umbrella or excess liability policies, provided that coverage under the latter shall be at least as broad as that afforded under the primary policy and satisfy all other requirements applicable to liability insurance including but not limited to additional insured status to the County.
- Workers Compensation: Workers Compensation coverage, as required by the Industrial Insurance Act of the State of Washington, as well as any similar coverage required for this Work and Services by applicable federal or “Other States” State law.
- Employers Liability or “Stop Gap” coverage: \$1,000,000 each occurrence and shall be at least as broad as the protection provided by the Workers Compensation policy Part 2 (Employers Liability), or, in states with monopolistic state funds, the protection provided by the “Stop Gap” endorsement to the General Liability policy Part 2 (Employers Liability), or, in states with monopolistic state funds, the protection provided by the “Stop Gap” endorsement to the General Liability policy. ‘

EXHIBIT G

TAX COVENANTS

The Grant Recipient acknowledges that the Grant Award provided by the County for the Project may be proceeds of tax-exempt bonds (the “Bonds”) subject to certain requirements of the Internal Revenue Code (the “Tax Code”). The Grant Recipient will take all actions with respect to the Project, and proceeds received for the Project, necessary to assure the exclusion of interest on the Bonds from the gross income of the owners of the Bonds, including but not limited to the following:

Expenditure of Proceeds. The Grant Recipient will expend the Grant Award (proceeds of the Bonds) for capital expenditures for federal income tax purposes within the meaning of Section 1.150-1(b) of the Tax Code. Bond proceeds may be expended to pay, or reimburse the Grant Recipient for, Project capital expenditures or to repay interim indebtedness incurred for capital expenditures of the Project.

Notice. The Grant Recipient will provide notice of action taken or planned to issue any tax-exempt indebtedness, including bonds, bank loans, or other tax-exempt indebtedness, to finance Project costs.

Treatment as Grant.

The Grant Recipient is a [501(c)(3) corporation] that is not a related party to the County. The County and the Grant Recipient are not members of the same controlled group.

The Grant Recipient is not acting as an agent of the County.

The Grant Award or Agreement does not impose any obligation or condition to directly or indirectly repay any amount to the County (excluding obligations or conditions intended solely to assure expenditure of the transferred moneys in accordance with the governmental purpose of the transfer).

The Grant Award is required to be used for the Project as provided in this Agreement but does not impose any conditions relating to the use of the Project or other property of the Grant Recipient by the County or any of its agencies or authorities.

This Agreement is a grant agreement.

Limitations on Disposition of Project. The Grant Recipient will not sell or otherwise dispose of any components of the Project without prior written approval by the County and compliance with the requirements of this Agreement.

Record Retention. The Grant Recipient will retain its records of all accounting and monitoring it carries out with respect to the Grant Award received and with respect to the Project for at least three (3) years after the Bonds mature or are redeemed.

Cooperation. The Grant Recipient will provide tax certificates when and as requested by the County or County's bond counsel in order to establish or maintain the tax-exempt status of the Bonds. The Grant Recipient will cooperate in any audit of the Bonds by the Internal Revenue Service, including disclosure of any record, contracts and other materials relating to the Bond proceeds received by the Grant Recipient and the Project.

EXHIBIT H
PREVAILING WAGE CERTIFICATION

The GRANT RECIPIENT, by its signature, certifies that all contractors and subcontractors performing work on the Project shall comply with prevailing wage laws set forth in Chapter 39.12 RCW, as applicable to the Project funded by this Agreement, including but not limited to the filing of the “Statement of Intent to Pay Prevailing Wages” and “Affidavit of Wages Paid” as required by RCW 39.12.040. The GRANT RECIPIENT shall maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and shall make such records available for King County Office of Performance, Strategy and Budget’s review upon request.

For any funds are used by the GRANT RECIPIENT for the purpose of construction, applicable State Prevailing Wages must be paid.

The GRANT RECIPIENT, by its signature, certifies that the declaration set forth above has been reviewed and approved by the GRANT RECIPIENT’s governing body as of the date and year written below.

SIGNATURE

DATE

Exhibit F- Final Report

Funding Type:	Click or tap here to enter text.
Organization Name:	Click or tap here to enter text.
CPA#:	Click or tap here to enter text.
Reporting Period:	Click or tap here to enter text.

1. PROGRAM PRIORITIES FOR THIS REPORTING PERIOD:

Provide a short summary or list of activities prioritized for this period.

Click or tap here to enter text.

2. PROGRAM ACCOMPLISHMENTS THIS REPORTING PERIOD:

For each program objective listed in the Scope of Work, discuss activities carried out by your organization during this reporting period. Include reporting metrics as available (Quantitative and Qualitative). Attach relevant data as needed with this submittal.

Click or tap here to enter text.

3. PROGRAM CHALLENGES:

What, if any, challenges did you face during this reporting period and what actions did you take to address these challenges. If there are any changes to your project goal(s), objective(s) or activities due to challenges faced, please note them in your response.

Click or tap here to enter text.

4. PROGRAM EQUITY:

Describe how the organization is ensuring this program is inclusive and serving diverse community needs.

Click or tap here to enter text.

Submitted by: Click or tap here to enter text.

Date Submitted: Click or tap to enter a date.

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
2025 King County External Support Program Grant for Kenmore Senior Center Improvements	☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☒ Authorize ☐ Other:
Department: Public Works Operations	
Prepared by: Jennifer Gordon Public Works Operations Director	
Attachments: 1. Draft Contract 25-C3153	Authorize the City Manager to execute contract 25-C3153 with King County to accept 2025 King County External Support Program funds in the amount of \$250,000 for Kenmore Senior Center Improvements.

Approvals:

Department

Head JG 6/9/25

City

Attorney N/A

Finance

Director N/A

City

Manager SLL 6/13/25

Optional

N/A

Summary/Background:

Kenmore staff was notified in May of this year that funds were appropriated for improvements at the Kenmore Senior Center through King County Councilmember Dembowski as part of the King County External Support Program in the amount of \$250,000. Although the Kenmore Senior Center is operated by the Northshore Senior Center, the building is owned by the City of Kenmore. The grant agreement will be between the County and the City as the projects will be managed and executed by city staff or contractors of the City.

Grant funds will be used for improvements identified in the 2020 building condition assessment that primarily focuses on accessibility and safety. The improvements will include a full ADA assessment, design and installation of a new storefront entrance, external and interior ADA access improvements, and an electrical system update. Additional work could include additional door replacements, window replacements, and plumbing upgrades.

Previous Council Action(s):

n/a

Fiscal Consideration:

Administrative staff time included in the current budget to manage the improvement projects at the Kenmore Senior Center that will be 100% grant funded.

City Council Priorities or Budget Objective Being Addressed:

Preamble – maintaining the City’s infrastructure

8. Continue to implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, including social justice reform.

9. Explore opportunities to expand Parks and Recreation.

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
Purchase of Tributary 0057 Conservation Property. Department: Environmental Services Prepared by: Richard Sawyer Environmental Services Director Attachments: Site Map	☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☒ Authorize ☐ Other: Authorize Interim City Manager to execute Purchase Sale Agreement for Tributary 0057 conservation property in an amount of \$600,000.

Approvals:

Department	City	Finance	City
Head <u>RS 6/13/2025</u>	Attorney <u>NA</u>	Director <u>NA</u>	Manager <u>SL 6/13/2025</u>
			Optional <u>NA</u>

Summary/Background:

The City is purchasing an undeveloped property located at the 16400 block of 76TH AVE NE to conserve it as open space. Two segments of Tributary 0057 cross the property and it is comprised of wetlands, forest and stream habitat. The owner of the property has an approved site development plan for the property, which was acquired through the reasonable use exception process, to construct a driveway, bridge, and single-family residence on the property. However, the owner is a willing seller and has paused development while staff have procured grant funds to purchase the property. City Council authorized staff to accept King County Conservation Futures grant funds in April 2025 that cover 75% of the purchase price and City funds will cover the remaining 25%. Staff recommend that City Council approve the purchase sale agreement with the property owner to complete the process and acquire the property. The property will be conserved, in perpetuity, as open space and remain undeveloped.

Previous Council Action(s):

City Council authorized ILA with King County Conservation Futures to accept grant funds in an amount of \$453,600 to acquire this property on April 14, 2025.

Fiscal Consideration:

The purchase of this property (\$600,000) is funded 75% with King County Conservation Futures funds (\$453,600) and 25% with City Surface Water Management funds (\$146,400). City Surface Water Management funds were approved in the adopted 2025-2026 Biennial Budget as part of Rapid Progress+.

City Council Priorities or Budget Objective Being Addressed:

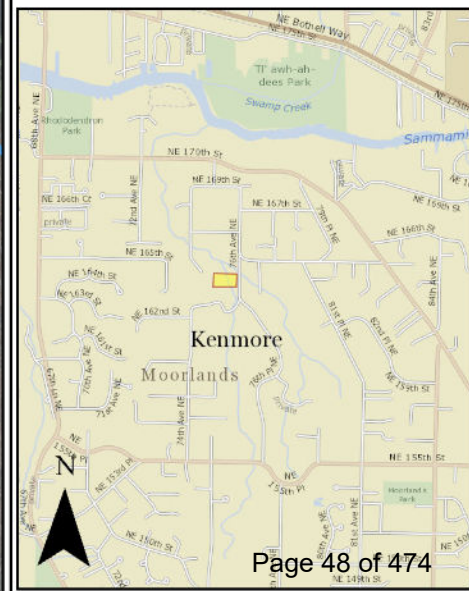
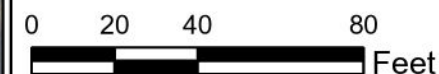
1. Continue to implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

Project Location Map

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

Acquisition (red outline)

Approximately:
1.08 Acres



City Council Agenda Bill
City of Kenmore, WA



Meeting Date:6/23/2025

Subject/Topic:

Public Hearing regarding Ordinance 25-0629 amending and extending interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE

Department: Community Development

Prepared by: Debbie Bent, Assistant City Manager/Community Development Director

Attachments:

1. Ordinance No. 25-0629
2. Ordinance No. 25-0625
3. Ordinance No. 24-0612
4. Ordinance No. 24-0606
5. Ordinance No. 23-0586
6. Ordinance No. 23-0575
7. Ordinance No. 23-0569
8. Ordinance No. 22-0555
9. Ordinance No. 22-0543

Proposed Council Action/Motion:

- ☐ Information Only
- ☐ Receive and File
- ☒ Discuss
- ☒ Provide Direction
- ☒ Public Hearing
- ☒ Adopt/Approve
- ☐ Other:

Motion to adopt Ordinance No. 25-0629 to amend and extend interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE.

Approvals:

Department Head	TH for DB, 6/13/25	Finance Director	N/A	City Attorney	DR, 6/10/25	City Manager	SLL 6/13/25
-----------------	--------------------	------------------	-----	---------------	-------------	--------------	-------------

Summary/Background:

Following conclusion of the Public Hearing and City Council discussion. Staff recommends that the Council pass a motion to adopt Ordinance 25-0629 to amend and extend interim regulations for an additional six-months (through for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

A Public Hearing is scheduled for 6/23/25 to receive public testimony on Ordinance 25-0629 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions

they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Developing zoning regulations for those parcels adjacent to Swamp Creek is a Community Development work program item for 2025. Staff presented background information to the City Council at the June 16, 2025 City Council meeting. Additional City Council discussion is tentatively scheduled at the July 28 City Council meeting with the intent to hold a public hearing in the fall with ordinance adoption prior to November.

Previous Council Action(s):

Ordinance 25-0629 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment were presented to Council on 9/16/24, link to the agenda bill [Kenmore - Document Center](#). Results of the assessment will inform options for future zoning regulations that will apply to the parcels.

The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #9) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #8), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #7) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #6) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #5) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 3/11/24. Ordinance 24-0606 (Attachment #4) was adopted on 2/26/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 8/26/24. Ordinance 24-0612 (Attachment #3) was adopted on 7/15/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 1/15/25. Ordinance 25-0625 was adopted 1/13/25 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 7/13/25.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek.

On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration:

Staff time to complete to develop zoning regulations for City Council consideration. City Attorney review of ordinance.

City Council Priorities or Budget Objective Being Addressed:

2025-2026 Council Priorities: #7 broaden community engagement and foster fun

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0629**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586, ORDINANCE 24-0606, ORDINANCE 24-0612 and ORDINANCE 25-0625 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit

applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-0606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months; and

WHEREAS, on July 15, 2024 the City Council adopted Ordinance 24-0612 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 24-0606, for a further six months; and

WHEREAS, on September 16, 2024 the City Council held a discussion on the results of the channel restoration assessment of Swamp Creek including for the Reduced TOD Area; and

WHEREAS, on January 13, 2025 the City Council adopted Ordinance 25-0625 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 24-0612.

WHEREAS, on June 2023, 2025, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration including for the Reduced TOD Area; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606, 24-0612 and 25-0625;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586, 24-0606, 24-0612 and 25-0625 which are incorporated herein by

reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586, 24-0606, 24-0612 and 25-0625 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612 and 25-0625 as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~January 13, 2025~~ June 23, 2025 (to and through ~~July 13, 2025~~ December 23, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication..

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF JUNE 2025.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: JUNE 13, 2025

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.: 25-0629

DATE OF PUBLICATION:

EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0625**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE NO. 22-0543, AS AMENDED BY ORDINANCE NO. 22-0555, ORDINANCE NO. 23-0569, ORDINANCE NO. 23-0575, ORDINANCE NO. 23-0586, ORDINANCE NO. 24-0606 AND ORDINANCE NO. 24-0612 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance No. 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance No. 21-0535 amending Section 2 of Ordinance No. 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance No. 21-0533 and Ordinance No. 21-0535) and immediately adopted interim regulations (Ordinance No. 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance No. 22-0555 extending and renewing interim regulations adopted by Ordinance No. 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance No. 23-0569 extending and renewing interim regulations adopted by Ordinance No. 22-0543, as renewed by Ordinance No. 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD “carve out” area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance No. 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance No. 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance No. 23-0575 amending the interim regulations established by Ordinance No. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
 2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
 3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
 4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
 5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
 6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
 7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
 8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
 9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
 10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
 11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
 12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
 13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028
- (referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance No. 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance No. 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance No. 23-0586 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance No. 24-0606 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 23-0586, for a further six months; and

WHEREAS, on July 15, 2024 the City Council adopted Ordinance No. 24-0612 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 24-0606, for a further six months; and

WHEREAS, on September 16, 2024 the City Council held a discussion on the results of the channel restoration assessment of Swamp Creek including for the Reduced TOD Area; and

WHEREAS, on January 13, 2025, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration including for the Reduced TOD Area; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance No. 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612; and

WHEREAS, in order for this Ordinance to become effective prior to the January 15th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration.

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance No. 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586, 24-0606, and 24-0612 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance No. 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 and 24-0612 as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~July 15, 2024~~ January 13, 2025 (to and through ~~January 15, 2025~~ July 13, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF JANUARY 2025.

CITY OF KENMORE



Mayor Nigel Herbig

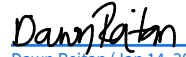
ATTEST/AUTHENTICATED:



Anastasiya Warhol (Jan 15, 2025 13:38 PST)

Anastasiya Warhol City Clerk

Approved as to form:



Dawn Reitan (Jan 14, 2025 14:59 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 01/02/2025

PASSED BY THE CITY COUNCIL: JANUARY 13, 2025

ORDINANCE NO.: 25-0625

DATE OF PUBLICATION: 01/17/2025

EFFECTIVE DATE: 01/13/2025

Attachment 1 - Proposed Ordinance No. 25-0625 (1)

Final Audit Report

2025-01-27

Created:	2025-01-14
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAd3bSSrNDex0PGxca_3Nk6TqMbZuER4jt

"Attachment 1 - Proposed Ordinance No. 25-0625 (1)" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2025-01-14 - 10:55:16 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for filling
2025-01-14 - 10:55:21 PM GMT
-  Form filled by Michelle Kang (mkang@kenmorewa.gov)
Form filling Date: 2025-01-14 - 10:55:47 PM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2025-01-14 - 10:58:46 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2025-01-14 - 10:59:17 PM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2025-01-15 - 9:38:19 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2025-01-15 - 9:38:34 PM GMT - Time Source: server

 Email viewed by nherbig@kenmorewa.gov

2025-01-27 - 7:53:45 PM GMT

 Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig

2025-01-27 - 7:55:25 PM GMT

 Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)

Signature Date: 2025-01-27 - 7:55:27 PM GMT - Time Source: server

 Agreement completed.

2025-01-27 - 7:55:27 PM GMT

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0612**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586 AND ORDINANCE 24-0606 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit

applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months, until August 26, 2024; and

WHEREAS, on July 15, 2024, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586 and 24-0606 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, ~~and 23-0586~~ and 24-0606 and as amended by Section 3.D of Ordinance No. 23-0575,

shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~February 26, 2024~~ July 15, 2024 (to and through ~~August 26, 2024~~ January 15, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 15th DAY OF JULY 2024.

CITY OF KENMORE


Nigel Herbig (Jul 15, 2024 21:58 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 16, 2024 09:48 PDT)

Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Jul 16, 2024 09:37 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: JULY 3, 2024

PASSED BY THE CITY COUNCIL: JULY 15, 2024

ORDINANCE NO.: 24-0612

DATE OF PUBLICATION: JULY 19, 2024

EFFECTIVE DATE: JULY 24, 2024

Ordinance No. 24-0612 amending and extending TOD interim regulations

Final Audit Report

2024-07-16

Created:	2024-07-16
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuaGcKff8fPniL6A_cgPKXiLcMkJjbWlt

"Ordinance No. 24-0612 amending and extending TOD interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2024-07-16 - 4:56:57 AM GMT- IP address: 50.235.209.34
-  Document emailed to nherbig@kenmorewa.gov for signature
2024-07-16 - 4:57:30 AM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2024-07-16 - 4:57:30 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2024-07-16 - 4:57:30 AM GMT
-  Email viewed by nherbig@kenmorewa.gov
2024-07-16 - 4:57:59 AM GMT- IP address: 50.235.209.34
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-07-16 - 4:58:47 AM GMT- IP address: 50.235.209.34
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2024-07-16 - 4:58:49 AM GMT - Time Source: server- IP address: 50.235.209.34
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2024-07-16 - 4:37:01 PM GMT- IP address: 142.111.149.122
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2024-07-16 - 4:37:14 PM GMT - Time Source: server- IP address: 209.63.25.21
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2024-07-16 - 4:47:06 PM GMT- IP address: 50.235.209.34





Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)

Signature Date: 2024-07-16 - 4:48:04 PM GMT - Time Source: server- IP address: 50.235.209.34



Agreement completed.

2024-07-16 - 4:48:04 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE


Nigel G. Herbig (Mar 1, 2024 12:36 PST)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 28, 2024 10:33 PST)

Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Feb 27, 2024 16:19 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 02/14/2024

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION: 03/01/2024
EFFECTIVE DATE: 03/06/2024

Ordinance No. 24-0606 amending and extending TOD interim regulations

Final Audit Report

2024-03-01

Created:	2024-02-27
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAhET-FbpKTwYoXN-exICsDLczo_P7a0TH

"Ordinance No. 24-0606 amending and extending TOD interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2024-02-27 - 11:59:41 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2024-02-28 - 0:00:17 AM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2024-02-28 - 0:00:17 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2024-02-28 - 0:00:17 AM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2024-02-28 - 0:19:48 AM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2024-02-28 - 0:19:57 AM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2024-02-28 - 6:33:11 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2024-02-28 - 6:33:19 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2024-03-01 - 8:35:49 PM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-03-01 - 8:36:16 PM GMT





Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2024-03-01 - 8:36:18 PM GMT - Time Source: server



Agreement completed.

2024-03-01 - 8:36:18 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

Created:	2023-09-12
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbdixvAHVyMAjzGAWJPImE3u4QADF7dw

"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-09-12 - 10:50:04 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-09-12 - 10:50:34 PM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-09-13 - 4:08:39 AM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-09-13 - 4:55:14 PM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2023-09-13 - 6:37:38 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2023-09-13 - 6:37:49 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-09-15 - 3:03:43 PM GMT



 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig

2023-09-15 - 3:04:09 PM GMT

 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2023-09-15 - 3:04:11 PM GMT - Time Source: server

 Agreement completed.

2023-09-15 - 3:04:11 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023 ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

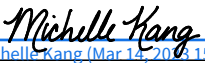
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



 TOD Boundary
 Parcels

**TOD District Boundary
Figure 18.29.020.1**

0 140 280 560 Feet



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

Created:	2023-03-14
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAI4vViXgUyiar8S8ilEheRS2l6hXVhWnc

"Ordinance 23-0575 amending and extending interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-03-14 - 10:48:53 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-03-14 - 10:50:38 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-03-14 - 10:50:38 PM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for signature
2023-03-14 - 10:50:38 PM GMT
-  Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
Signature Date: 2023-03-14 - 10:50:50 PM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-03-14 - 10:56:12 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-03-14 - 10:56:27 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-03-15 - 1:17:54 AM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-03-15 - 1:19:03 AM GMT
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-03-15 - 1:19:05 AM GMT - Time Source: server



✔ Agreement completed.

2023-03-15 - 1:19:05 AM GMT

Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

Created:	2023-01-11
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKm_vw2Umw9cRQmFsFfpf1MG3AOA_Uv2M

"Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-01-11 - 0:31:46 AM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-01-11 - 0:33:12 AM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for signature
2023-01-11 - 0:33:12 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-01-11 - 0:33:12 AM GMT
-  Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
Signature Date: 2023-01-11 - 0:33:26 AM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-01-11 - 1:11:56 AM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
2023-01-11 - 1:12:26 AM GMT
-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-01-11 - 1:12:28 AM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-01-11 - 6:54:04 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-01-11 - 6:54:22 PM GMT - Time Source: server



✔ Agreement completed.

2023-01-11 - 6:54:22 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

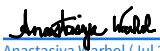
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

PASSED BY THE CITY COUNCIL: JULY 25, 2022

ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

Created:	2022-07-26
By:	Anastasiya Warhol (awarhol@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxGV0eLnVHw2rccslbNNi5XxouOKHSUs

"Ordinance 22-0555, Extending Interim Regulations in TOD Area" History

-  Document created by Anastasiya Warhol (awarhol@kenmorewa.gov)
2022-07-26 - 11:54:09 PM GMT- IP address: 50.35.80.188
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2022-07-27 - 0:04:55 AM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2022-07-27 - 4:52:19 PM GMT- IP address: 119.12.195.223
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2022-07-27 - 4:52:30 PM GMT - Time Source: server- IP address: 209.63.25.21
-  Document emailed to nherbig@kenmorewa.gov for signature
2022-07-27 - 4:52:32 PM GMT
-  Email viewed by nherbig@kenmorewa.gov
2022-07-27 - 7:28:10 PM GMT- IP address: 172.58.88.88
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
2022-07-27 - 7:29:13 PM GMT- IP address: 172.58.88.88
-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)
Signature Date: 2022-07-27 - 7:29:15 PM GMT - Time Source: server- IP address: 172.58.88.88
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2022-07-27 - 7:29:17 PM GMT
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2022-07-27 - 9:10:42 PM GMT- IP address: 50.235.209.34



Powered by
Adobe
Acrobat Sign



Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)

Signature Date: 2022-07-27 - 9:10:54 PM GMT - Time Source: server- IP address: 50.235.209.34



Agreement completed.

2022-07-27 - 9:10:54 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol
Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

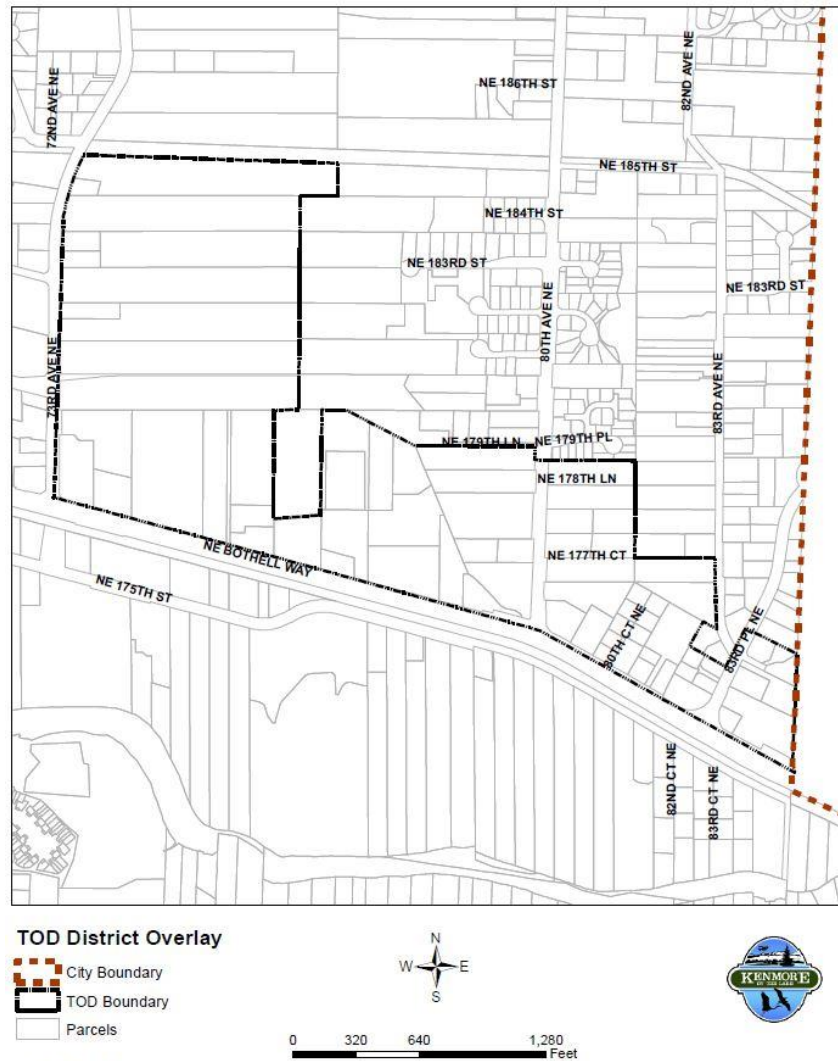
[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);
2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety **with the following exceptions:-**

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone:

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/ shelter ^{2,5}	Air transportation service
Day care	College/ university ²	Arts, entertainment, outdoor
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁶	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
- ⁵ No *outdoor storage* of materials shall be permitted.

⁶ **Townhouse development shall be prohibited.**

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section 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, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]

City Council Agenda Bill
City of Kenmore, WA



Meeting Date:6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
Public Hearing regarding Ordinance 25-0629 amending and extending interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE Department: Community Development Prepared by: Debbie Bent, Assistant City Manager/Community Development Director Attachments: 1. Ordinance No. 25-0629 2. Ordinance No. 25-0625 3. Ordinance No. 24-0612 4. Ordinance No. 24-0606 5. Ordinance No. 23-0586 6. Ordinance No. 23-0575 7. Ordinance No. 23-0569 8. Ordinance No. 22-0555 9. Ordinance No. 22-0543	☐ Information Only ☐ Receive and File ☒ Discuss ☒ Provide Direction ☒ Public Hearing ☒ Adopt/Approve ☐ Other: Motion to adopt Ordinance No. 25-0629 to amend and extend interim regulations for an additional six months for certain parcels close to Swamp Creek in proximity to SR 522 and 80th Ave NE.

Approvals:

Department Head	TH for DB, 6/13/25	Finance Director	N/A	City Attorney	DR, 6/10/25	City Manager	SLL 6/13/25
-----------------	--------------------	------------------	-----	---------------	-------------	--------------	-------------

Summary/Background:

Following conclusion of the Public Hearing and City Council discussion. Staff recommends that the Council pass a motion to adopt Ordinance 25-0629 to amend and extend interim regulations for an additional six-months (through for certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE.

A Public Hearing is scheduled for 6/23/25 to receive public testimony on Ordinance 25-0629 (see Attachment #1) amending and extending interim regulations for an additional six-months to apply to certain parcels close to Swamp Creek. The interim regulations prohibit townhome development, and for properties that do not choose to develop under the Transit Oriented Development (TOD) provisions

they must meet the base density of the underlying zone and include at least 25% of the total number of units as affordable units.

Developing zoning regulations for those parcels adjacent to Swamp Creek is a Community Development work program item for 2025. Staff presented background information to the City Council at the June 16, 2025 City Council meeting. Additional City Council discussion is tentatively scheduled at the July 28 City Council meeting with the intent to hold a public hearing in the fall with ordinance adoption prior to November.

Previous Council Action(s):

Ordinance 25-0629 states the findings and justification for extending and amending the interim regulations. The findings include Council direction given 11/28/22 for staff to conduct a channel restoration assessment of Swamp Creek that will determine where channel restoration would provide the most ecological benefit. Results of the assessment were presented to Council on 9/16/24, link to the agenda bill [Kenmore - Document Center](#). Results of the assessment will inform options for future zoning regulations that will apply to the parcels.

The interim regulations were adopted 2/14/22 by Ordinance 22-0543 (Attachment #9) and were set to expire 8/14/22. The purpose of interim regulations was to provide additional time for the Planning Commission to consider regulations for the Transit Oriented Development (TOD) District Overlay area. Ordinance 22-0555 was adopted 7/25/22 (Attachment #8), which amended Ordinance 22-0543 to renew and extend the interim regulations for an additional six-month period through 1/25/23. Ordinance 23-0569 was adopted 1/9/23 (Attachment #7) to renew and extend the interim regulations for an additional six-month period through 7/25/23. Ordinance 23-0575 was adopted on 3/13/23 (Attachment #6) to extend the interim regulations, reduce the Transit Oriented Development (TOD) District Overlay to certain properties identified in the ordinance, and adopt amended interim regulations to those identified parcels close to Swamp Creek pending completion of a Swamp Creek channel restoration assessment that will determine where channel restoration would provide the most ecological benefit. Ordinance 23-0586 (Attachment #5) was adopted on 9/11/23 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 3/11/24. Ordinance 24-0606 (Attachment #4) was adopted on 2/26/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 8/26/24. Ordinance 24-0612 (Attachment #3) was adopted on 7/15/24 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 1/15/25. Ordinance 25-0625 was adopted 1/13/25 to extend the interim regulations for those identified parcels close to Swamp Creek for an additional six months through 7/13/25.

On 11/21/22 the Planning Commission presented recommendations to Council on proposed TOD recommendations. At the 11/28/22 Council meeting Council gave direction to move forward with an ordinance for TOD regulations except for a “carve out” area for certain parcels close to Swamp Creek.

On 2/13/23 Council confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the “carve out” area. On 3/13/23 Council adopted Ordinance 23-0575 for the “carve out” area.

Fiscal Consideration:

Staff time to complete to develop zoning regulations for City Council consideration. City Attorney review of ordinance.

City Council Priorities or Budget Objective Being Addressed:

2025-2026 Council Priorities: #7 broaden community engagement and foster fun

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0629**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586, ORDINANCE 24-0606, ORDINANCE 24-0612 and ORDINANCE 25-0625 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit

applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-0606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months; and

WHEREAS, on July 15, 2024 the City Council adopted Ordinance 24-0612 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 24-0606, for a further six months; and

WHEREAS, on September 16, 2024 the City Council held a discussion on the results of the channel restoration assessment of Swamp Creek including for the Reduced TOD Area; and

WHEREAS, on January 13, 2025 the City Council adopted Ordinance 25-0625 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 24-0612.

WHEREAS, on June 2023, 2025, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration including for the Reduced TOD Area; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606, 24-0612 and 25-0625;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586, 24-0606, 24-0612 and 25-0625 which are incorporated herein by

reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586, 24-0606, 24-0612 and 25-0625 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612 and 25-0625 as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~January 13, 2025~~ June 23, 2025 (to and through ~~July 13, 2025~~ December 23, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication..

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF JUNE 2025.

CITY OF KENMORE

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:

Anastasiya Warhol City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: JUNE 13, 2025

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.: 25-0629

DATE OF PUBLICATION:

EFFECTIVE DATE:

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0625**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE NO. 22-0543, AS AMENDED BY ORDINANCE NO. 22-0555, ORDINANCE NO. 23-0569, ORDINANCE NO. 23-0575, ORDINANCE NO. 23-0586, ORDINANCE NO. 24-0606 AND ORDINANCE NO. 24-0612 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance No. 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance No. 21-0535 amending Section 2 of Ordinance No. 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance No. 21-0533 and Ordinance No. 21-0535) and immediately adopted interim regulations (Ordinance No. 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance No. 22-0555 extending and renewing interim regulations adopted by Ordinance No. 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance No. 23-0569 extending and renewing interim regulations adopted by Ordinance No. 22-0543, as renewed by Ordinance No. 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD “carve out” area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance No. 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance No. 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance No. 23-0575 amending the interim regulations established by Ordinance No. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance No. 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance No. 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance No. 23-0586 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance No. 24-0606 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 23-0586, for a further six months; and

WHEREAS, on July 15, 2024 the City Council adopted Ordinance No. 24-0612 to extend and amend the interim regulations established by Ordinance No. 22-0543 and as amended and extended by Ordinance No. 24-0606, for a further six months; and

WHEREAS, on September 16, 2024 the City Council held a discussion on the results of the channel restoration assessment of Swamp Creek including for the Reduced TOD Area; and

WHEREAS, on January 13, 2025, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration including for the Reduced TOD Area; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance No. 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612; and

WHEREAS, in order for this Ordinance to become effective prior to the January 15th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration.

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586, 24-0606 and 24-0612 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance No. 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586, 24-0606, and 24-0612 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance No. 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 and 24-0612 as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~July 15, 2024~~ January 13, 2025 (to and through ~~January 15, 2025~~ July 13, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF JANUARY 2025.

CITY OF KENMORE



Mayor Nigel Herbig

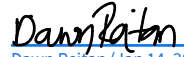
ATTEST/AUTHENTICATED:



[Anastasiya Warhol \(Jan 15, 2025 13:38 PST\)](#)

Anastasiya Warhol City Clerk

Approved as to form:



[Dawn Reitan \(Jan 14, 2025 14:59 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 01/02/2025

PASSED BY THE CITY COUNCIL: JANUARY 13, 2025

ORDINANCE NO.: 25-0625

DATE OF PUBLICATION: 01/17/2025

EFFECTIVE DATE: 01/13/2025

Attachment 1 - Proposed Ordinance No. 25-0625 (1)

Final Audit Report

2025-01-27

Created:	2025-01-14
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAd3bSSrNDeX0PGxca_3Nk6TqMbZuER4jt

"Attachment 1 - Proposed Ordinance No. 25-0625 (1)" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2025-01-14 - 10:55:16 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2025-01-14 - 10:55:20 PM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for filling
2025-01-14 - 10:55:21 PM GMT
-  Form filled by Michelle Kang (mkang@kenmorewa.gov)
Form filling Date: 2025-01-14 - 10:55:47 PM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2025-01-14 - 10:58:46 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2025-01-14 - 10:59:17 PM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2025-01-15 - 9:38:19 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2025-01-15 - 9:38:34 PM GMT - Time Source: server

 Email viewed by nherbig@kenmorewa.gov

2025-01-27 - 7:53:45 PM GMT

 Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig

2025-01-27 - 7:55:25 PM GMT

 Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)

Signature Date: 2025-01-27 - 7:55:27 PM GMT - Time Source: server

 Agreement completed.

2025-01-27 - 7:55:27 PM GMT

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0612**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 23-0569, ORDINANCE 23-0575, ORDINANCE 23-0586 AND ORDINANCE 24-0606 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit

applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, on February 26, 2024, the City Council adopted Ordinance 24-606 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0586, for a further six months, until August 26, 2024; and

WHEREAS, on July 15, 2024, the City Council held a public hearing on this Ordinance and considered extending the interim regulations; and

WHEREAS, the City Council finds that additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, 23-0586 and 24-0606 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 23-0586 and 24-0606 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, 23-0575, ~~and 23-0586~~ and 24-0606 and as amended by Section 3.D of Ordinance No. 23-0575,

shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~February 26, 2024~~ July 15, 2024 (to and through ~~August 26, 2024~~ January 15, 2025), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 15th DAY OF JULY 2024.

CITY OF KENMORE


Nigel Herbig (Jul 15, 2024 21:58 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 16, 2024 09:48 PDT)

Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Jul 16, 2024 09:37 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: JULY 3, 2024
PASSED BY THE CITY COUNCIL: JULY 15, 2024
ORDINANCE NO.: 24-0612
DATE OF PUBLICATION: JULY 19, 2024
EFFECTIVE DATE: JULY 24, 2024

Ordinance No. 24-0612 amending and extending TOD interim regulations

Final Audit Report

2024-07-16

Created:	2024-07-16
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuaGcKff8fPniL6A_cgPKXiLcMkJjbWlt

"Ordinance No. 24-0612 amending and extending TOD interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2024-07-16 - 4:56:57 AM GMT- IP address: 50.235.209.34
-  Document emailed to nherbig@kenmorewa.gov for signature
2024-07-16 - 4:57:30 AM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2024-07-16 - 4:57:30 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2024-07-16 - 4:57:30 AM GMT
-  Email viewed by nherbig@kenmorewa.gov
2024-07-16 - 4:57:59 AM GMT- IP address: 50.235.209.34
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-07-16 - 4:58:47 AM GMT- IP address: 50.235.209.34
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2024-07-16 - 4:58:49 AM GMT - Time Source: server- IP address: 50.235.209.34
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2024-07-16 - 4:37:01 PM GMT- IP address: 142.111.149.122
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2024-07-16 - 4:37:14 PM GMT - Time Source: server- IP address: 209.63.25.21
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2024-07-16 - 4:47:06 PM GMT- IP address: 50.235.209.34





Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)

Signature Date: 2024-07-16 - 4:48:04 PM GMT - Time Source: server- IP address: 50.235.209.34



Agreement completed.

2024-07-16 - 4:48:04 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 24-0606**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555, ORDINANCE 22-0569, ORDINANCE 23-0575, AND ORDINANCE 23-0586 TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ordinance 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, on September 11, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed, and extended by Ordinance Nos. 22-0555, 23-0569, and as amended and extended by Ordinance 23-0575; and

WHEREAS, on September 11, 2023, the City Council adopted Ordinance 23-0586 to extend and amend the interim regulations established by Ordinance 22-0543 and as amended and extended by Ordinance 23-0575 for a further six months; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586; and

WHEREAS, in order for this Ordinance to become effective prior to the March 11th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569, 23-0575, and 23-0586 which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, 23-0575 and 23-0586 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, 23-0569, ~~and 23-0575,~~ and 23-0586 and as amended by Section 3.D of Ordinance No. 23-0575, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, ~~September~~

~~11, 2023~~ February 26, 2024 (to and through ~~March 11, 2024~~ August 26, 2024), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 26th DAY OF FEBRUARY 2024.

CITY OF KENMORE


Nigel G. Herbig (Mar 1, 2024 12:36 PST)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 28, 2024 10:33 PST)

Anastasiya Warhol City Clerk

Approved as to form:


Dawn Reitan (Feb 27, 2024 16:19 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 02/14/2024

PASSED BY THE CITY COUNCIL: FEBRUARY 26, 2024

ORDINANCE NO.: 24-0606
DATE OF PUBLICATION: 03/01/2024
EFFECTIVE DATE: 03/06/2024

Ordinance No. 24-0606 amending and extending TOD interim regulations

Final Audit Report

2024-03-01

Created:	2024-02-27
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAhET-FbpKTWYoXN-exICsDLczo_P7a0TH

"Ordinance No. 24-0606 amending and extending TOD interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2024-02-27 - 11:59:41 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2024-02-28 - 0:00:17 AM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2024-02-28 - 0:00:17 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2024-02-28 - 0:00:17 AM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2024-02-28 - 0:19:48 AM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2024-02-28 - 0:19:57 AM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2024-02-28 - 6:33:11 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2024-02-28 - 6:33:19 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2024-03-01 - 8:35:49 PM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2024-03-01 - 8:36:16 PM GMT





Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2024-03-01 - 8:36:18 PM GMT - Time Source: server



Agreement completed.

2024-03-01 - 8:36:18 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0586**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING
ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-0555,
ORDINANCE 22-0569 AND ORDINANCE 23-0575, TO EXTEND AND
RENEW FOR AN ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS RELATING TO THE TRANSIT ORIENTED DEVELOPMENT
(TOD) DISTRICT OVERLAY APPLICABLE TO CERTAIN REAL PROPERTIES
IDENTIFIED BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000,
TPN 670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-
0843, TPN 011410-0850, TPN 011410-0855, TPN 011410-0860, TPN
011410-0865, TPN 011410-0885, TPN 011410-0870, TPN 011410-0881,
TPN 011410-0889; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive

housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022, the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023, to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, on March 13, 2023, the City Council adopted Ordinance 23-0575 amending the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(referenced together as the “Reduced TOD Area”)

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the Reduced TOD Area and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as amended, extended, and renewed by Ordinance Nos. 22-0555, 23-0569 and 23-0575; and

WHEREAS, in order for this Ordinance to become effective prior to the September 13th expiration of the existing interim regulations, the City Council needs to declare an emergency and authorize an immediate effective date for this Ordinance, and the City acknowledges that state law requires a super-majority of the City Council to approve such an emergency declaration;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above, and in Ordinance Nos. 22-0543, 22-0555, 23-0569 and Ordinance 23-0575, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555, 23-0569, and 23-0575 is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555, ~~and 23-0569, and 23-0575,~~ and as amended by Section 3.D of this Ordinance ~~No. 23-0575,~~ shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, September 11, 2023~~March 13, 2023~~ (to and through March 11, 2024~~September 13, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 5. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11th DAY OF September 2023.

CITY OF KENMORE


[Nigel C. Herbig \(Sep 15, 2023 08:04 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Anastasiya Warhol \(Sep 13, 2023 11:37 PDT\)](#)

Anastasiya Warhol City Clerk

Approved as to form:


[Dawn Reitan \(Sep 13, 2023 09:55 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: AUGUST 31, 2023
PASSED BY THE CITY COUNCIL: SEPTEMBER 11, 2023
ORDINANCE NO.: 23-0586
DATE OF PUBLICATION: SEPTEMBER 15, 2023
EFFECTIVE DATE: SEPTEMBER 20, 2023

Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523

Final Audit Report

2023-09-15

Created:	2023-09-12
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbdixvAHVyMAjzGAWJPImE3u4QADF7dw

"Att. #1 Ordinance 23-0586 amending and extending TOD interim regulations revised 081523" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-09-12 - 10:50:04 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2023-09-12 - 10:50:34 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-09-12 - 10:50:34 PM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-09-13 - 4:08:39 AM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-09-13 - 4:55:14 PM GMT - Time Source: server
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2023-09-13 - 6:37:38 PM GMT
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2023-09-13 - 6:37:49 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-09-15 - 3:03:43 PM GMT



 Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig

2023-09-15 - 3:04:09 PM GMT

 Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)

Signature Date: 2023-09-15 - 3:04:11 PM GMT - Time Source: server

 Agreement completed.

2023-09-15 - 3:04:11 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0575**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555 AND ORDINANCE 22-0569, TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS, AND AMENDING SECTION 18.29.020 AND FIGURE
18.29.020.1 OF THE KENMORE MUNICIPAL CODE TO REDUCE THE
AREA OF THE TRANSIT ORIENTED DEVELOPMENT (TOD)
DISTRICT OVERLAY TO CERTAIN REAL PROPERTIES IDENTIFIED
BY THE FOLLOWING TAX PARCEL (TPN): TPN 086650-0000, TPN
670540-0000, TPN 182260-0000, TPN 011410-0841, TPN 011410-0843, TPN
011410-0850, TPN 011410-0855, TPN 011410-0860, TPN 011410-0865, TPN
011410-0885, TPN 011410-0870, TPN 011410-0881, TPN 011410-0889;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022, the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, on November 28, 2022 the City Council gave direction to "carve out" certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE from the proposed regulatory framework and thereby reduce the area applicable to the TOD District Overlay pending completion of a channel restoration assessment of Swamp Creek to determine where channel restoration would provide the most ecological benefit and options for new regulations for the "carve out" area to incentivize Swamp Creek channel restoration; and

WHEREAS, on January 9, 2023, following a public hearing the City Council adopted Ordinance 23-0569 extending and renewing interim regulations adopted by Ordinance 22-0543, as renewed by Ordinance 22-0555 for a further six-month period through July 25, 2023 to provide additional time for the City Council to consider adoption of an ordinance for the TOD regulatory framework; and

WHEREAS, on February 13, 2023, Council gave direction and confirmed which certain proposed new TOD amendments should or should not apply on applicable regulations for the reduced TOD "carve out" area; and

WHEREAS, on March 13, 2023, the City Council will be considering adoption of Ordinance 23-0574 adopting municipal code and zoning map amendments related to a Transit-Oriented Development regulatory framework; and

WHEREAS, on March 13, 2023, the City Council held a public hearing on the proposed six-month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569; and

WHEREAS, additional time is necessary to complete a channel restoration assessment of Swamp Creek including for the reduced TOD “carve out” area for those certain parcels close to Swamp Creek in proximity to SR522 and 80th Ave NE and also to give Council sufficient time to consider and potentially adopt an ordinance and new regulations to incentivize Swamp Creek channel restoration; and

WHEREAS, the City Council desires to amend the interim regulations established by Ord. 22-0543, and as codified at Section 18.29.020 and Figure 18.29.020.1 of the Kenmore Municipal Code, to reduce the area of the Transit Oriented Development (TOD) District Overlay to the following real properties, identified by Tax Parcel Number and address:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028
13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

WHEREAS, the regulations of zoning and land use are valid exercises of the City’s police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six-month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for

an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance Nos. 22-0555 and 23-0569;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543, 22-0555 and 23-0569, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations.

Section 2. Amendment. The City Council amends Section 3 of Ordinance 22-0543 to read as follows:

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development on certain real properties identified by the following Tax Parcel Numbers (TPN) and addresses:

1. TPN 086650-0000, 17915 80th Ave NE, Kenmore, WA 98028
2. TPN 670540-0000, 17827 80th Ave NE, Kenmore, WA 98028
3. TPN 182260-0000, 17811 80th Ave NE, Kenmore, WA 98028
4. TPN 011410-0841, 17721 80th Ave NE, Kenmore, WA 98028
5. TPN 011410-0843, 17715 80th Ave NE, Kenmore, WA 98028
6. TPN 011410-0850, 17525 80th Ave NE, Kenmore, WA 98028
7. TPN 011410-0855, 7900 NE Bothell Way, Kenmore, WA 98028
8. TPN 011410-0860, 7850 NE Bothell Way, Kenmore, WA 98028
9. TPN 011410-0865, 7800 NE Bothell Way, Kenmore, WA 98028
10. TPN 011410-0885, 7750 NE Bothell Way, Kenmore, WA 98028
11. TPN 011410-0870, 7760 NE Bothell Way, Kenmore, WA 98028
12. TPN 011410-0881, 7638 NE Bothell Way, Kenmore, WA 98028

13. TPN 011410-0889, 7644 NE Bothell Way, Kenmore, WA 98028

(collectively, the “Parcels”), located within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020 (as revised in Section 3.D of this Ordinance). The term “development” means the same as defined in KMC 18.20.715. The term “development permit” means the same as defined in KMC 18.20.735.

- B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.
- C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.
- D. Amending Interim Regulations. The interim regulations adopted and imposed by Ordinance No. 22-0543, and as codified at Chapter 18.29 of the Kenmore Municipal Code (KMC), are amended as follows: Exhibit A to Ordinance No. 22-0543, KMC 18.29.020 “Area” is amended by replacing Figure 18.29.020.1 with new Figure 18.29.020.1 as set forth in Exhibit B, attached hereto and incorporated by reference, which include the Parcels identified in Section 3.A.

Section 3. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance Nos. 22-0555 and 23-0569, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance Nos. 22-0555 and 23-0569, and as amended by Section 3.D of this Ordinance, shall be extended and renewed for an additional period of six (6) months from the adoption date of this Ordinance, March 13, 2023 ~~January 25, 2023~~ (to and through September 13, 2023 ~~July 25, 2023~~), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Authorization of City Manager. The City Manager is hereby authorized and directed to complete a channel restoration assessment of Swamp Creek that includes the area within the TOD District Boundary, Exhibit B attached to this ordinance and to move forward and bring an ordinance for new regulations to incentivize Swamp Creek Channel restoration to the City Council for consideration and potential adoption.

Section 5. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 7. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

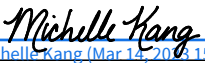
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF MARCH 2023.

CITY OF KENMORE


[Nigel G. Herbig \(Mar 14, 2023 18:19 PDT\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Mar 14, 2023 15:50 PDT\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Mar 14, 2023 15:56 PDT\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 03/13/2023

PASSED BY THE CITY COUNCIL: MARCH 13, 2023

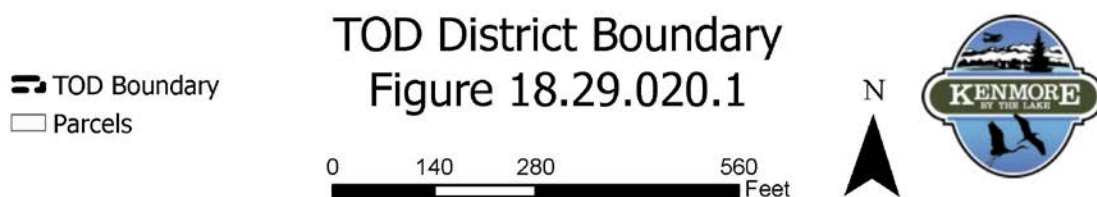
ORDINANCE NO.: 23-0575

DATE OF PUBLICATION: 03/17/2023

EFFECTIVE DATE: 03/22/2023

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



Ordinance 23-0575 amending and extending interim regulations

Final Audit Report

2023-03-15

Created:	2023-03-14
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAI4vViXgUyiar8S8ilEheRS2l6hXVhWnc

"Ordinance 23-0575 amending and extending interim regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-03-14 - 10:48:53 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-03-14 - 10:50:38 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-03-14 - 10:50:38 PM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for signature
2023-03-14 - 10:50:38 PM GMT
-  Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
Signature Date: 2023-03-14 - 10:50:50 PM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-03-14 - 10:56:12 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-03-14 - 10:56:27 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-03-15 - 1:17:54 AM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-03-15 - 1:19:03 AM GMT
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-03-15 - 1:19:05 AM GMT - Time Source: server



✔ Agreement completed.

2023-03-15 - 1:19:05 AM GMT

Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0569**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543, AS AMENDED BY ORDINANCE 22-
0555, TO EXTEND AND RENEW FOR AN ADDITIONAL SIX-MONTH
PERIOD THE CITY'S INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, on July 25, 2022, following a public hearing, the City Council adopted Ordinance 22-0555 extending and renewing interim regulations adopted by Ordinance 22-0543 for a further six-month period through January 25, 2023 to provide additional time for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, on October 18, 2022 the Planning Commission held a public hearing regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 21, 2022 the Planning Commission presented recommendations to the City Council regarding a proposed regulatory framework for the TOD District Overlay; and

WHEREAS, on November 28, 2022 the City Council gave direction on the proposed regulatory framework for the TOD District Overlay and requested consideration of an ordinance at a future meeting; and

WHEREAS, additional time is necessary for an ordinance to be drafted reflecting Council's direction on the proposed regulatory framework for the TOD District Overlay, and to give Council sufficient time to consider and potentially adopt such an ordinance; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on January 9, 2023 the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543, as extended and renewed by Ordinance 22-0555;

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

Section 1. Findings of Fact in Support of Renewal and Extension. The City Council adopts the recitals set forth above and in Ordinance Nos. 22-0543 and 22-0555, which are incorporated herein by reference, as findings of fact in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543, as amended by Ordinance 22-0555, for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543, as amended by Ordinance 22-0555, is further amended to read as follows:

Section 4. Duration. The interim regulations established by Ordinance 22-0543, as renewed and extended by Ordinance 22-0555, shall be extended and renewed for an additional period of six (6) months from January 25, 2023 (to and through July 25, 2023), and shall automatically expire at the end of that day unless repealed, modified, or renewed and extended (after subsequent public hearing if renewed and extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward and bring an ordinance relating to the proposed TOD regulatory framework to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF JANUARY 2023.

CITY OF KENMORE


[Nigel Herbig \(Jan 10, 2023 17:12 PST\)](#)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


[Michelle Kang \(Jan 10, 2023 16:33 PST\)](#)

Michelle Kang, Deputy City Clerk

Approved as to form:


[Dawn Reitan \(Jan 11, 2023 10:54 PST\)](#)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 12/29/2022
PASSED BY THE CITY COUNCIL: JANUARY 9, 2023
ORDINANCE NO.: 23-0569
DATE OF PUBLICATION: 01/13/2023
EFFECTIVE DATE: 01/18/2023

Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations

Final Audit Report

2023-01-11

Created:	2023-01-11
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKm_vw2Umw9cRQmFsFfpf1MG3AOA_Uv2M

"Ordinance No. 23-0569 Extending and Renewing TOD Interim Regulations" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-01-11 - 0:31:46 AM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-01-11 - 0:33:12 AM GMT
-  Document emailed to Michelle Kang (mkang@kenmorewa.gov) for signature
2023-01-11 - 0:33:12 AM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-01-11 - 0:33:12 AM GMT
-  Document e-signed by Michelle Kang (mkang@kenmorewa.gov)
Signature Date: 2023-01-11 - 0:33:26 AM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-01-11 - 1:11:56 AM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
2023-01-11 - 1:12:26 AM GMT
-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-01-11 - 1:12:28 AM GMT - Time Source: server
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-01-11 - 6:54:04 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-01-11 - 6:54:22 PM GMT - Time Source: server



✔ Agreement completed.

2023-01-11 - 6:54:22 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0555**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
AMENDING ORDINANCE 22-0543 TO EXTEND AND RENEW FOR AN
ADDITIONAL SIX-MONTH PERIOD THE CITY'S INTERIM
REGULATIONS WITHIN THE TRANSIT OVERLAY DEVELOPMENT
(TOD) DISTRICT; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021, the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021, following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, on February 14, 2022, following a public hearing held by the City Council on the moratorium and interim regulations, the Council repealed the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediately adopted interim regulations (Ordinance 22-0543) allowing certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the

City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, the regulations of zoning and land use are valid exercises of the City's police powers under Art. XI, Sec. 11 of the Washington State Constitution, and such police powers grant the City the authority to adopt interim regulations; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to renew and extend interim regulations on development or land use for one or more six—month periods if a subsequent hearing is held and findings of fact are made prior to said extension and renewal; and

WHEREAS, on July 25, 2022, the City Council held a public hearing on the proposed six—month extension and renewal of the City's interim regulations authorized and imposed by Ordinance 22-0543; and

WHEREAS, the City Council has determined that it is in the best interest of the public, and is necessary for the protection of public health, safety, property, or peace, to extend and renew for an additional six-month period the interim regulations established in Ordinance 22-0543; and

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

Section 1. Findings. The City Council adopts the recitals set forth above and in Ordinance No. 22-0543, which are incorporated herein by reference, as findings in support of the extension and renewal of interim regulations adopted under Ordinance 22-0543 for an additional six-month period.

Section 2. Six-Month Extension and Renewal of Interim Regulations. Section 4 of Ordinance 22-0543 is amended to read as follows:

Section 4. Duration. The interim regulations established by ~~in Section 3 above~~ Ordinance 22-0543 shall be extended and renewed in effect for a period of six (6) months from the effective date of this Ordinance 22-0555 (to and through ~~September 14, 2022~~ January 25, 2023) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 3. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 4. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the

remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force (5) days after the date of publication.

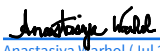
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2022.

CITY OF KENMORE


Nigel Herbig (Jul 27, 2022 12:29 PDT)

Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Jul 27, 2022 14:10 PDT)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Jul 27, 2022 09:52 PDT)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 7/15/22

PASSED BY THE CITY COUNCIL: JULY 25, 2022

ORDINANCE NO.: 22-0555

DATE OF PUBLICATION: 7/28/22

EFFECTIVE DATE: 8/2/22

Ordinance 22-0555, Extending Interim Regulations in TOD Area

Final Audit Report

2022-07-27

Created:	2022-07-26
By:	Anastasiya Warhol (awarhol@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAANxGV0eLnVHw2rccslbNNi5XxouOKHSUs

"Ordinance 22-0555, Extending Interim Regulations in TOD Area" History

-  Document created by Anastasiya Warhol (awarhol@kenmorewa.gov)
2022-07-26 - 11:54:09 PM GMT- IP address: 50.35.80.188
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2022-07-27 - 0:04:55 AM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2022-07-27 - 4:52:19 PM GMT- IP address: 119.12.195.223
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2022-07-27 - 4:52:30 PM GMT - Time Source: server- IP address: 209.63.25.21
-  Document emailed to nherbig@kenmorewa.gov for signature
2022-07-27 - 4:52:32 PM GMT
-  Email viewed by nherbig@kenmorewa.gov
2022-07-27 - 7:28:10 PM GMT- IP address: 172.58.88.88
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel Herbig
2022-07-27 - 7:29:13 PM GMT- IP address: 172.58.88.88
-  Document e-signed by Nigel Herbig (nherbig@kenmorewa.gov)
Signature Date: 2022-07-27 - 7:29:15 PM GMT - Time Source: server- IP address: 172.58.88.88
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2022-07-27 - 7:29:17 PM GMT
-  Email viewed by Anastasiya Warhol (awarhol@kenmorewa.gov)
2022-07-27 - 9:10:42 PM GMT- IP address: 50.235.209.34



Powered by
Adobe
Acrobat Sign



Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)

Signature Date: 2022-07-27 - 9:10:54 PM GMT - Time Source: server- IP address: 50.235.209.34



Agreement completed.

2022-07-27 - 9:10:54 PM GMT



Powered by
Adobe
Acrobat Sign

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 22-0543**

**AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON,
ADOPTING SIX-MONTH INTERIM REGULATIONS WITHIN THE
TRANSIT OVERLAY DEVELOPMENT (TOD) DISTRICT; REPEALING
ORDINANCE NOS. 21-0533 AND 21-0535; DECLARING AN
EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE**

WHEREAS, the City Council adopted Ordinance 15-0406, which established the Transit Oriented Development (TOD) District Overlay, which is codified at Chapter 18.29 of the Kenmore Municipal Code (KMC); and

WHEREAS, the purpose of the TOD District Overlay is to reinforce the City's planned concentrations of pedestrian-oriented mixed-use development at intensities that support and are supported by multi-modal transportation options, including high-capacity transit; and

WHEREAS, the City has directed the Planning Commission to review the City's TOD District Overlay regulations as part of the State-mandated Comprehensive Plan update; and

WHEREAS, the City became aware of the potential of lower density projects within the TOD District Overlay area, which would interfere with the City's intended planning for the TOD District Overlay area; and

WHEREAS, on August 16, 2021 the City Council adopted public emergency Ordinance 21-0533 that established an effective date for a six-month moratorium to and through February 16, 2022 to give the Planning Commission sufficient time to hold a hearing, complete planning for the TOD District Overlay area, and provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay; and

WHEREAS, on September 27, 2021 following a public hearing held by the City Council on the six-month moratorium, the Council adopted Ordinance 21-0535 amending Section 2 of Ordinance 21-0533 to allow an additional exemption for building permit applications for or the construction of transitional housing or permanent supportive housing or building permit application for or the construction of indoor emergency housing; and

WHEREAS, additional time is necessary for the Planning Commission to hold a public hearing, complete planning for the TOD District Overlay area, provide recommendations to the City Council regarding the appropriate regulatory framework for the TOD District Overlay and for Council to consider the recommendation; and

WHEREAS, repeal of the moratorium (Ordinance 21-0533 and Ordinance 21-0535) and immediate adoption of interim regulations allows certain development applications at appropriate densities within the TOD District Overlay consistent with the City's long-range planning, prior to completion of the City's regulatory review process; and

WHEREAS, the City Council deems it to be in the best interest of the public, and necessary for the protection of the public health, safety, property, or peace, to establish immediate interim regulations on the acceptance, review, and approval of permits for the establishment, location, and/or construction of any development within the TOD District Overlay; and

WHEREAS, the regulation of zoning and land use are valid exercises of the City's police powers under Article XI, Section 11 of the Washington State Constitution, and such police powers grant the City Council authority to adopt a moratorium; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City Council, as the governing body, to adopt interim regulations on development or land use for six-months; and

WHEREAS, as provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council advertised and held a public hearing on February 14, 2022 to take public testimony and consider adopting further findings justifying the imposition of interim regulations; and

WHEREAS, RCW 35A.13.190 provides that an ordinance may be made effective upon adoption if passed by a majority plus one of the whole membership of the council, and if designated as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace; and

WHEREAS, pursuant to RCW 35A.13.190, the City Council finds that this ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, or public peace for the reasons set forth herein;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated by reference, as findings in support of the interim regulations and declaration of this ordinance as a public emergency ordinance.

Section 2. Repeal of the Moratorium. The City Council hereby repeals Ordinance Nos. 21-0533 and Ordinance 21-0535, which established and amended the six-month moratorium.

Section 3. Interim Regulations.

A. Adoption. Pursuant to the City's police powers under Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, interim regulations are hereby adopted and imposed on the application for, intake of, review of, or issuance of any approval and/or development permit, including, but not limited to, building permits, site plan review, etc., for the establishment, location and/or construction of any development within the Transit Oriented Development (TOD) District Overlay area, as shown and depicted in KMC 18.29.020. The term "development" means the same as defined in KMC 18.20.715. The term "development permit" means the same as defined in KMC 18.20.735.

B. Exemptions. The interim regulations adopted by this Ordinance only apply to new development permit applications.

C. Adopted Interim Regulations: Interim regulations for the TOD District Overlay adopted and imposed pursuant to Section 3.A are set forth in Exhibit A, attached hereto and incorporated by reference.

Section 4. Duration. The interim regulations established in Section 3 above shall be in effect for a period of six (6) months from the effective date of this Ordinance (to and through September 14, 2022) and shall automatically expire at the end of that day unless repealed, modified, or extended (after subsequent public hearing if extended), and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Authorization of City Manager. The City Manager is hereby authorized and directed to move forward with the Planning Commission's review of appropriate development regulations relating to the TOD District Overlay area, and to bring its recommendation to the City Council for consideration and potential adoption.

Section 6. Transmittal of Ordinance. The City Manager is directed to transmit this ordinance to the Washington State Department of Commerce as required by law.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 8. Designation of Emergency Ordinance; Immediate Effective Date. Pursuant to RCW 35A.13.190, the City Council declares and designates this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or the public peace. Upon adoption of this ordinance by a majority plus one of the whole membership of the council, this ordinance shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF FEBRUARY 2022.

CITY OF KENMORE



Mayor Nigel Herbig

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Feb 16, 2022 15:56 PST)

Anastasiya Warhol, City Clerk

Approved as to form:


Dawn Reitan (Feb 15, 2022 13:29 PST)

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 2/10/22
PASSED BY THE CITY COUNCIL: 2/14/22
ORDINANCE NO.: 22-0543
DATE OF PUBLICATION: 2/18/22
EFFECTIVE DATE: 2/14/22

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

Sections:

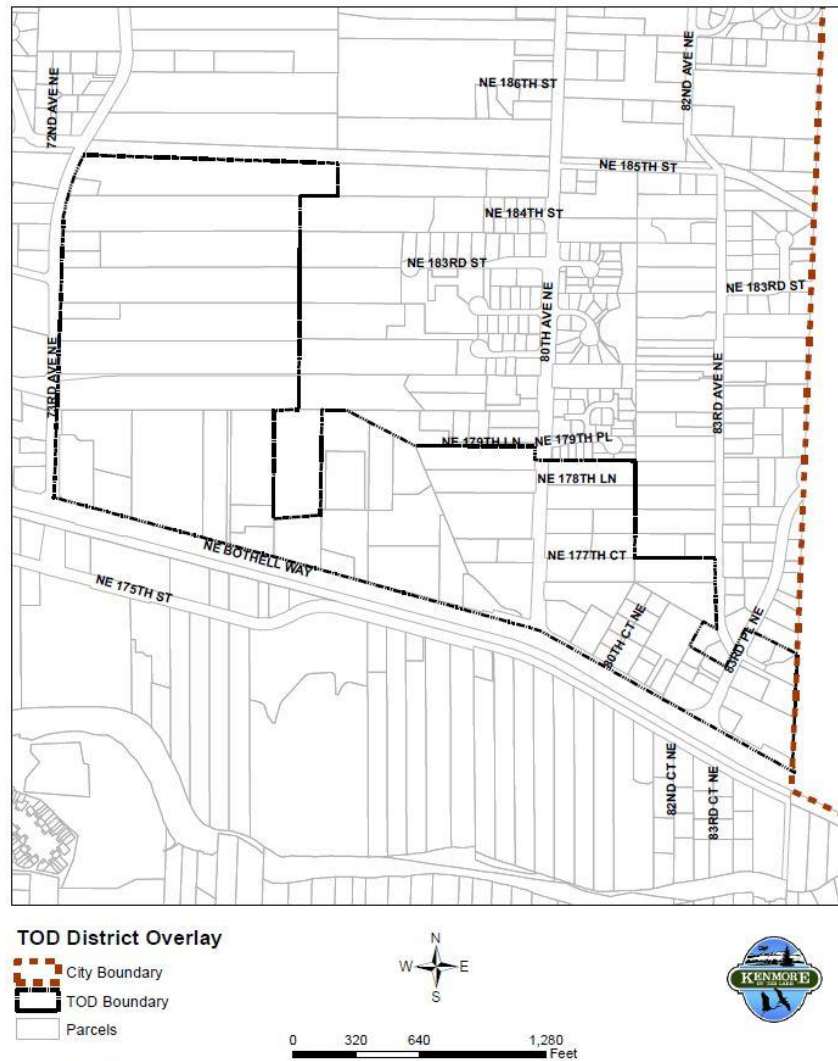
[18.29.010 Intent.](#)
[18.29.020 Area.](#)
[18.29.030 Applicability.](#)
[18.29.040 Use allowances.](#)
[18.29.050 Zoning standards.](#)
[18.29.055 Wireless communication facilities.](#)
[18.29.060 Affordable housing requirements.](#)
[18.29.070 Parking.](#)
[18.29.080 Design requirements.](#)
[18.29.090 Connectivity requirements.](#)
[18.29.100 Significant tree grove retention.](#)

18.29.010 Intent.

The purpose of the transit oriented development (TOD) district overlay is to reinforce the City's planned concentration of pedestrian-oriented mixed use development at intensities that support and are supported by multi-modal transportation options, including high capacity transit. The TOD district overlay revitalizes the City's core by creating incentives and opportunities for a mix of jobs and residences, cultivates a respectful relationship among development within the district, the natural environment, and nearby traditional neighborhoods, and provides a framework for future infrastructure and service decisions. The TOD district overlay provides public benefits in the form of encouraging housing affordable to all economic groups, increased pedestrian connectivity, quality design, and incentive to preserve significant tree groves where they exist. [Ord. 15-0406 § 1 (Att. A).]

18.29.020 Area.

The area of the TOD district overlay is shown on Figure 18.29.020.1. In order to develop under the TOD district overlay, at least 50 percent of a parcel shown on Figure 18.29.020.1 shall be located within the TOD district overlay.



[Ord. 19-0481 § 2 (Att. A); Ord. 15-0406 § 1 (Att. A).]

18.29.030 Applicability.

A. The TOD district overlay is an incentive-based zoning overlay. Applicants who elect to develop under the provisions of the TOD district overlay shall adhere to all development standards set forth in this chapter; except that development standards not addressed in this chapter shall be governed by provisions of the underlying zone.

B. In order to be eligible to develop under the TOD district overlay regulations, a development application shall meet the following criteria:

1. The property must be located within the TOD district overlay area as described in KMC [18.29.020](#);
2. The proposed development must either:

- a. Be considered a mixed use development as defined in KMC [18.20.1740](#); or
- b. Be a residential-only development or mixed use development with commercial permitted only on the ground floor if located in the R-12, R-18, or R-24 underlying zones, which are areas designated as primarily residential.

C. Eligible properties within the TOD district overlay that do not choose to develop under the provisions of this chapter shall comply with the provisions of the underlying zone in their entirety **with the following exceptions:**

1. In the R-12, R-18, R-24, UC East, and DC zones in the TOD district overlay area, the minimum density for residential development shall be no less than the base density for the underlying zone:

2. Except in the R-1 zone, townhouse development shall be prohibited.

3. At least twenty five percent of the total number of units in the development shall be *low- or very low-income affordable housing units* subject to the standards in KMC Chapter 18.77.

18.29.040 Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted or *prohibited uses* for properties electing to develop under provisions of the TOD district overlay.

All uses not specifically listed in this section shall be prohibited.

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Arts, entertainment, indoor ^{1,3}	Ambulatory surgery center ²	Adult entertainment business
Business service, standard ^{1,3}	Animal kennel/ shelter ^{2,5}	Air transportation service
Day care	College/ university ²	Arts, entertainment, outdoor
Eating and drinking place ¹	Fire or police facility ²	Auction house
Educational service ¹	Laboratory ²	Automotive sales and service, marine
Health care and social assistance ^{1,3}	Park	Automotive sales and service, nonmarine

**Table A – TOD District Overlay
Use Allowances**

Permitted	Conditionally Permitted	Prohibited
Manufacturing, light ^{1,3,5}	Regional land use	Business service, intensive
Mobile food service ⁴	Religious institution ²	Cemetery, columbarium or mausoleum
Multiple-family dwelling ⁵	Supportive living facility ²	Community residential facility
Office ¹		Construction and trade
Personal service ^{1,3}		Family child-care home
Recreational facility, indoor ^{1,3}		Funeral home/crematory
Retail sales ^{1,3,5}		Hospital
Temporary lodging ^{1,3}		Manufactured housing community
		Manufacturing, heavy
		Marijuana business
		Recreational facility, outdoor
		Resource land use
		Retail sales, bulk
		Secure facility
		Single detached dwelling unit
		Standalone parking
		Transportation
		Utility facility
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

- ¹ Commercial use limitations in residentially oriented underlying zones: If these uses are proposed for property with underlying zoning of R-12, R-18, or R-24, then each use is limited to maximum 5,000 square feet per use and 15,000 square feet total contiguous nonresidential area within the development.
- ² Conditional use permit required in underlying urban corridor, downtown commercial, and public/semi-public zones. Prohibited in all other underlying zones within the TOD district overlay area.
- ³ Conditional use permit required in underlying R-12, R-18, R-24 zones. Permitted in underlying urban corridor, downtown commercial, and public/semi-public zones within the TOD district overlay area.
- ⁴ *Mobile food service* is permitted subject to the following requirements:
 - a. For a stand, location shall be on a sidewalk or near a storefront consistent with barrier-free regulations;
 - b. For a stand, location on the sidewalk or near a storefront shall provide for at least four feet of unobstructed sidewalk between the stand and the sidewalk edge for pedestrian movement;
 - c. No permanent fencing, walls, or other structures are installed which hinder removal of the structure from the site;
 - d. No required parking stall shall be blocked or rendered unusable as a result of the mobile *food service*;
 - e. Safe ingress and egress to the site shall be maintained. Visibility for transportation and pedestrian access shall be maintained;
 - f. The limited duration of the *mobile food service* shall be established as a condition of approval of any applicable permits; if accessory to a use, such operation is removed daily at the time of or prior to the close of business hours;
 - g. A sign permit is required for exterior signage in accordance with the sign code, Chapter [18.42](#) KMC.
- ⁵ No *outdoor storage* of materials shall be permitted.

⁶ **Townhouse development shall be prohibited.**

[Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 15-0406 § 1 (Att. A).]

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre	60 ¹
Maximum Density: Dwelling Units/Gross Acre	150 ¹
Maximum Height	65' ²

¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC [17.20.130](#)(B).

² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

[Ord. 15-0406 § 1 (Att. A).]

18.29.055 Wireless communication facilities.

Use allowances and development regulations for *wireless communication facilities* in the TOD district overlay shall be as specified in Chapter [18.60](#) KMC for the underlying zoning district. [Ord. 16-0426 § 6 (Att. D).]

18.29.060 Affordable housing requirements.

For properties choosing to develop under the TOD district overlay, *development* shall provide affordable housing as described in Chapter [18.77](#) KMC. *Development* choosing to develop under the TOD district overlay shall not utilize the provisions of residential density incentives found in Chapter [18.80](#) KMC to achieve maximum densities. [Ord. 19-0481 § 2 (Exh. A); Ord. 15-0406 § 1 (Att. A).]

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. 1.0 parking spaces per market-rate dwelling unit, except as follows:

a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of the first 100 bonus housing units provided in the city under the TOD district overlay regulations. The first 100 bonus housing units in a pioneer project(s) may elect to provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling unit.

2. 1.0 additional parking space per every five market rate dwelling units shall be provided and designated as guest parking for use by all guests.

3. 0.6 parking spaces per dwelling unit for affordable or senior dwelling units.

4. Affordable housing shall be as defined under KMC [18.29.060](#). Senior housing shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.

2. Minimum on-site parking may be reduced further by provisions of KMC [18.40.090](#)(B) for properties within the TOD district overlay that meet the requirements of KMC [18.40.090](#)(B) for accessibility to high frequency transit service.

3. Shared parking among uses is encouraged within the TOD district overlay. Developments that propose shared parking arrangements shall submit a parking management plan as defined in KMC [18.20.1995](#) that describes the terms and conditions of shared parking arrangements on site.

D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum parking requirements outlined in subsections A and B of this section 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, is interim in nature, and is temporarily located on land reserved for future phases not yet built.

E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are significantly higher than similar uses. This traffic study shall be subject to review by the city manager before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter [18.40](#) KMC. [Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.080 Design requirements.

Development within the TOD district overlay shall comply with Standard 1 provisions of the downtown design standards, as set forth in Chapter [18.52](#) KMC.

In addition, the following design requirements shall apply:

A. Relational Setback Requirements. Any proposed development within the TOD district overlay adjacent to an existing single-family zone (R-1, R-4, or R-6) shall be required to provide an interior ground-level setback of 15 feet on the side of the property facing the single-family zone, unless a larger setback is required in the underlying zone. In that event, the larger of the two setback requirements shall govern. The setback required by this subsection shall be landscaped with Type II landscaping as defined in KMC [18.35.040](#)(B) to provide a visual buffer. [Ord. 15-0406 § 1 (Att. A).]

18.29.090 Connectivity requirements.

The TOD district overlay should remove impediments to pedestrian use of the district and the downtown area by fostering the creation of an extensive network of sidewalks and pedestrian walkways.

Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall:

A. Provide any direct pedestrian connections between proposed development and transit facilities, or arterials providing transit access in order to minimize walking distances to transit.

B. Comply with the downtown design standards pertaining to pedestrian walkways, as set forth in KMC [18.52.100](#).

C. Properties abutting water bodies (i.e., wetlands, rivers, lakes, or streams) shall provide a public access trail paralleling the water body from one property line to the next with setbacks that are consistent with the requirements of KMC Title [16](#) and Chapter [18.55](#) KMC. The public access trail shall connect to a public right-of-way.

1. Where a development proposal abuts a property with a public access trail segment, the public access segment on the subject property shall connect to abutting property public access segment(s).

2. The public access easement for public access trails shall be documented on the face of the plat or plan and recorded with the King County Department of Records and Elections. Public access easements shall run with the land in perpetuity. [Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A “significant tree grove” shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to

two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a “hazard tree” as defined in KMC [18.20.3084](#) may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter [18.55](#) KMC. A significant tree grove is not the same as a “grove,” as defined in KMC [18.20.1273](#).

2. Tree Units. See KMC [18.57.060](#)(A) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter [18.57](#) KMC, then the provisions of Chapter [18.57](#) KMC shall be retained. If Chapter [18.57](#) KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from providing less parking or more dwelling units or any combination of the two if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings. Trees or groves retained through the provision of Chapter [18.57](#) KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC [18.29.060](#).

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC [18.57.050](#) shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter [18.57](#) KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC [18.57.090](#), the post-construction replacement, financial guarantee, and maintenance requirements of KMC [18.57.100](#), and the penalties and enforcement of KMC [18.57.110](#). [Ord. 15-0406 § 1 (Att. A).]

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
Ordinance 25-0630 Amendments to the Kenmore Municipal Code for Middle Housing, Accessory Dwelling Units (ADU), and Affordable Housing (Inclusionary Zoning) Regulations Department: Community Development Prepared by: Debbie Bent Community Development Director Todd Hall, Principal Planner Attachments: Attachment 1: Ordinance No. 25-0630 Exhibit A: Middle Housing & Accessory Dwelling Unit (ADU) Amendments Exhibit B: New Chapter 18.75 KMC - Cottage Housing	☐ Information Only ☐ Receive and File ☒ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Authorize ☐ Other: Adopt Ordinance 25-0630 amending Titles 17, 18, and 19 of the Kenmore Municipal Code

Approvals:

Department	TH for DB	City	Finance	City	
Head	6/10/25	Attorney	DR 6/10/25	Director	N/A
				Manager	SLL, 6/11/25
					Optional
					N/A

Summary/Background:

Review by the Planning Commission: In January 2025, the City Council assigned to the Planning Commission review of regulations related to middle housing, ADUs, and affordable housing. These amendments are part of State requirements mandating cities, including City of Kenmore, to adopt these regulations prior to June 30, 2025.

Amendments to the Housing and Land Use Elements related to middle housing and ADUs were adopted on December 9, 2024.

Background:

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

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

Previous Council Action(s):

The City Council held a public hearing on the proposed amendments at the June 9 City Council meeting. Link to agenda: [Kenmore - Document Center](#).

The City Council discussed proposed amendments at the May 5 and May 12 meetings: [Kenmore Document Center](#)

The Planning Commission presented recommendations on the proposed amendments at the April 21 City Council meeting: [Kenmore – Document Center](#).

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

Fiscal Consideration:

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

City Council Priorities or Budget Objective Being Addressed:

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

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 25-0630**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, AMENDING TITLES 17, 18 AND 19 OF THE KENMORE MUNICIPAL CODE (KMC) TO ESTABLISH REGULATIONS RELATING TO MIDDLE HOUSING, ACCESSORY DWELLING UNITS, AND UNIT LOT SUBDIVISIONS; AMENDING CHAPTER 18.77 KMC, AFFORDABLE HOUSING; ADOPTING A NEW CHAPTER 18.75 KMC, ENTITLED "COTTAGE HOUSING"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2023 the Washington State Legislature passed Engrossed Substitute House Bill (E2SHB) 1110 (chapter 332, Laws of 2023) related to middle housing, codified at RCW 36.70A.635 through RCW 36.70A.638, and found that there is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work and that homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs; and

WHEREAS, in 2023 the Legislature passed Engrossed House Bill (EHB) 1337 (chapter 334, Laws of 2023) related to accessory dwelling units (ADUs), codified at RCW 36.70A.680, RCW 36.70A.681 and RCW 36.70A.696, and found that Washington state is experiencing a housing affordability crisis and many communities across the state are in need of more housing for renters across the income spectrum and affordable housing options for family; and

WHEREAS, the Legislature further found that many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households and, due to their smaller size, ADUs can provide a more affordable housing option in those single-family zones; and

WHEREAS, in 2024 the Legislature passed Engrossed Substitute House Bill (ESHB) 2321 (chapter 152, Laws of 2024), which modified certain middle housing requirements in RCW 36.70A.635, as well as amended definitions in RCW 36.70A.030; and

WHEREAS, on December 9, 2024, the Kenmore City Council adopted Ordinance 24-0623 incorporating policies relating to middle housing and ADUs into the Housing and Land Use elements of the Kenmore Comprehensive Plan as required by HB 1220 (chapter 254, Laws of 2021); and

WHEREAS, from January through March of 2025, the Planning Commission reviewed proposed amendments to the Kenmore Municipal Code (KMC) to implement the policies adopted in the Comprehensive Plan (Proposed Amendments); and

WHEREAS, on April 15, 2025, the Planning Commission held a public hearing on the Proposed Amendments, and subsequently provided its recommendation to the City Council on the same; and

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

WHEREAS, the City notified the Washington State Department of Commerce of the Proposed Amendments pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered the Proposed Amendments at several public meetings, and on June 9, 2025, held a public hearing on the Proposed Amendments; and

WHEREAS, the City Council desires to amend regulations in Titles 17, 18, and 19 of the KMC to comply with state law, and to be consistent with Kenmore Comprehensive Plan policies adopted under Ordinance 24-0623; and

WHEREAS, the City Council desires to amend Chapter 18.77 KMC, Affordable Housing, to provide for inclusionary zoning; and

WHEREAS, the City Council desires to adopt a new Chapter 18.75 KMC, Cottage Housing, to establish cottage housing as a middle housing type; and

WHEREAS, the adoption of this Ordinance will bring the City of Kenmore into compliance with state law and will serve the general public health and welfare; and

WHEREAS, the City Council finds that the decision criteria of KMC 19.20.090 has been met, and that the development and adoption of this Ordinance has been guided by the planning goals set forth in RCW 36.70A.020;

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

Section 1. Findings Adopted. The City Council adopts the foregoing recitals as findings, which are incorporated herein as if set forth in full, in support of the adoption of this Ordinance.

Section 2. Amendments to the Kenmore Municipal Code. The City Council amends Chapters 17.10, 17.20, 18.15, 18.20, 18.21, 18.30, 18.40, 18.73, 18.77, and 19.25 of the Kenmore Municipal Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

Section 3. Adoption of New Chapter 18.75 KMC. The City Council adopts a new Chapter 18.75 KMC, Cottage Housing, as set forth in Exhibit B, attached hereto incorporated by reference.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected or affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force on June 30, 2025, provided five (5) days have passed since its passage and publication.

ADOPTED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 23 DAY OF June 2025.

CITY OF KENMORE

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:

Anastasiya Warhol, City Clerk

Approved as to form:

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 06/10/2025

PASSED BY THE CITY COUNCIL:

ORDINANCE NO.: 25-0630

DATE OF PUBLICATION:

EFFECTIVE DATE:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 17.10

DEFINITIONS

Sections:

[17.10.005 Scope of chapter.](#)

[17.10.010 Acre.](#)

[17.10.020 Alteration.](#)

[17.10.030 Applicant.](#)

[17.10.040 Binding site plan.](#)

[17.10.050 Building envelope.](#)

[17.10.060 Building site.](#)

[17.10.065 City.](#)

[17.10.067 City manager.](#)

[17.10.070 Civil engineer.](#)

[17.10.080 Condominium.](#)

[17.10.090 Dedication.](#)

[17.10.100 Department.](#)

[17.10.110 Development engineer.](#)

[17.10.130 Easement.](#)

[17.10.150 Financial guarantee.](#)

[17.10.160 General site plan.](#)

[17.10.180 Improvements.](#)

[17.10.190 Innocent purchaser.](#)

[17.10.200 Land surveyor.](#)

[17.10.210 Lot.](#)

[17.10.210 Lot, parent.](#)

[17.10.220 Lot, unit.](#)

[17.10.220 Nonbuilding lot.](#)

[17.10.230 Ownership interest.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 1

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 **17.10.240 Parent parcel.**
- 2 **17.10.250 Plat, final.**
- 3 **17.10.260 Plat, preliminary.**
- 4 **17.10.270 Revision.**
- 5 **17.10.280 Segregation.**
- 6 **17.10.290 Short plat, final.**
- 7 **17.10.300 Short plat, preliminary.**
- 8 **17.10.310 Short subdivision.**
- 9 **17.10.320 Subdivision.**
- 10 **17.10.330 Tract.**
- 11
- 12 ...
- 13 **17.10.211 Lot, parent.**
- 14 "Parent lot" means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.
- 15 **17.10.212 Lot, unit**
- 16 "Unit lot" means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.
- 17 ...
- 18

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 17.20

SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:

[17.20.010 Purpose.](#)

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

[17.20.030 Revisions of preliminary subdivisions.](#)

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

[17.20.050 Limitations for short subdivisions.](#)

[17.20.060 Revisions of preliminary short subdivisions.](#)

[17.20.070 Traffic analysis required.](#)

[17.20.080 Adequacy of access.](#)

[17.20.100 Public street rights-of-way.](#)

[17.20.105 Street signage.](#)

[17.20.107 Street lighting.](#)

[17.20.110 Limitations within future street corridors.](#)

[17.20.120 General layout standards.](#)

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

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

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

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

17.20.010 Purpose.

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

17.20.020 Preliminary subdivision – Approval time.

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

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

17.20.030 Revisions of preliminary subdivisions.

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

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

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

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

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

17.20.040 Preliminary short subdivision – Approval time.

A preliminary *short subdivision* approval issued on or before December 31, 2014, shall be effective for a period of seven years, and a preliminary *short subdivision* approval issued on or

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

after January 1, 2015, shall be effective for a period of five years; provided, that a preliminary *short subdivision* approval issued on or before December 31, 2007, that is not expired as of July 28, 2013, and that is not subject to the Shoreline Master Program, shall be effective for a period of 10 years. [Ord. 14-0378 § 1 (Att. A); Ord. 12-0344 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

17.20.050 Limitations for short subdivisions.

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

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

17.20.060 Revisions of preliminary short subdivisions.

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

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

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

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

1. Engineering design, unless the proposed design alters or eliminates features specifically required as a condition of preliminary *short subdivision* approval or results in a substantial change as described in subsection A of this section;
2. Changes in lot dimensions that are consistent with KMC Title **18**;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

3. A decrease in the number of *lots* to be created so long as the decrease allows for future compliance with the minimum density provisions of KMC Title **18**, if applicable. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.070 Traffic analysis required.

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

17.20.080 Adequacy of access.

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

- A. May approve private streets, provided the private street requirements contained in the *City* street standards of Chapter **12.50** KMC are met;
- B. May limit direct access to certain streets and require on-site public or private streets in lieu of individual driveways or access panhandles, in accordance with the *City* street standards;
- C. Shall require off-site *improvements* to public or private streets needed to provide access from the *subdivision* or *short subdivision* to an acceptable street; and
- D. Shall assure that the number of *lots* to be served by the street system complies with the street standards. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.100 Public street rights-of-way.

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

- A. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for street purposes;
- B. Where necessary to extend or to complete the existing or future neighborhood street pattern as shown on the *City* street map (see KMC Title **12**);
- C. Where necessary to provide additions of right-of-way to existing *City* right-of-way;
- D. Where necessary to conform to *City* street standards or *City* street improvement projects; or
- E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the *City* comprehensive plan. [Ord. 11-0329 § 3 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

17.20.105 Street signage.

Street signage is required for all new *short subdivisions* and *subdivisions* unless otherwise approved by the *city manager*. The *city manager* will determine the appropriate location, size and type of motor vehicle and pedestrian traffic signs, as well as street name signs, for every public or private street associated with a *short subdivision* or *subdivision*. The *City* or its designee will manufacture and install such signs, at the cost and expense of the *applicant*. The *applicant* shall reimburse the *City* for the cost of these signs prior to *final plat* or *final short plat* approval. [Ord. 11-0329 § 3 (Exh. 1).]

17.20.107 Street lighting.

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

17.20.110 Limitations within future street corridors.

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

17.20.120 General layout standards.

For residential developments in the R zones:

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

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

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

17.20.125 Lot segregations – Zero-lot-line development.

Interior setbacks may be modified during *subdivision* or *short subdivision* review as follows:

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

Deleted: In any R zone or in the NB zone, i

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. An *easement* shall be provided on the abutting *lot* of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining *lots*, except as provided for common wall construction;
2. The *easement* area shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
4. The *final plat* or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

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

17.20.130 Lot segregations – Clustered development.

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

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

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

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

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

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

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

3 B. There is a means for assessing maintenance costs equitably to property owners served by
4 the private streets, *tracts*, *easements*, community utilities and properties. [Ord. 11-0329 § 3 (Exh.
5 1).]

6 **17.20.150 Preliminary subdivision and short subdivision approval.**

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

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

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

16 **17.20.160 Fee Simple Unit Lot Subdivisions**

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

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

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

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

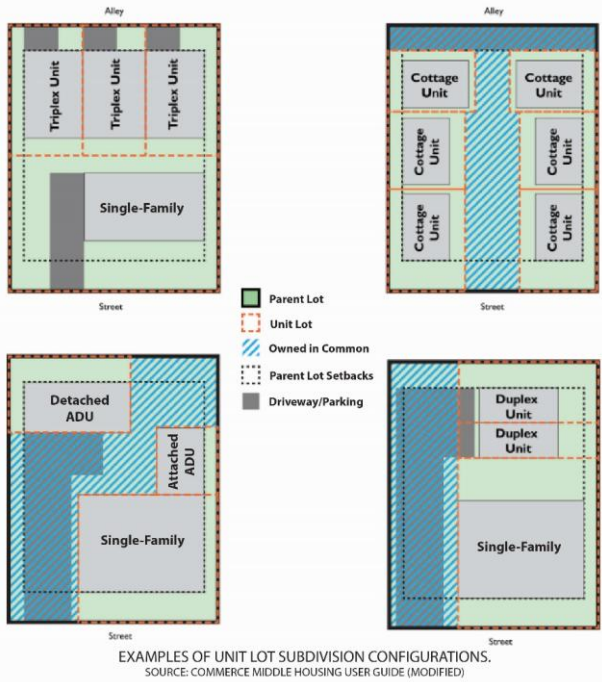
32 E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit
33 lot or tract separate from the parent lot, provided that the impervious surface created by this
34 parking space shall be included in the calculation of maximum lot coverage for the unit lot. The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

37 G. Unit lot subdivisions shall be processed as a subdivision or short plat pursuant to KMC 19.25,
38 based upon the number of lots created through the unit lot subdivision process. The approval

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

process and criteria for fee simple unit lot subdivisions shall be consistent with the requirements for subdivisions and short plats established in KMC 17.20.

Figure 1: Fee Simple Unit Lot Subdivision Examples



The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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)
Manufactured Housing Community	MHC
Neighborhood Business	NB
Community Business	CB
Downtown Residential	DR

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

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

18.15.020 Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in Kenmore. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of *permitted uses* within each zone through amendments to this title. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.040 Residential zones.

A. The purpose of the residential zones (R and MHC) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

B. Use of this zone is appropriate as follows:

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

18.15.045 Neighborhood business zone.

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

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

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

18.15.050 Community business zone.

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Providing for offices as well as a wide range of small-scale retail, educational, and personal service *uses*;
2. Allowing residential *use*, with a focus on *mixed use* (housing and retail/service/office) *developments*; and
3. Excluding commercial *uses* with extensive *outdoor storage*, as well as automotive sales 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. 18-0454 § 2 (Exh. 1); 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. [Ord. 14-0391 § 2 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.15.069 Waterfront commercial zone.**

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

6 **18.15.070 Regional business zone.**

7 The purpose of the regional business zone (RB) is to provide for the broadest mix of retail sales,
8 office, wholesale, and service *uses*, with compatible storage and light manufacturing *uses*,
9 serving regional market areas and offering significant employment opportunities. These
10 purposes are accomplished by supporting existing businesses and encouraging compact and
11 mixed use development that is supportive of transit and pedestrian travel for the future. [Ord.
12 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

13 **18.15.080 Public and semi-public zone.**

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

20 **18.15.090 Parks zone.**

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

26 **18.15.100 Golf course zone.**

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

31 **18.15.110 Map designation – Property-specific development or P-suffix standards.**

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

38 **18.15.120 Map designation – Special district overlay.**

39 The purpose of the special district overlay or SO designation is to carry out comprehensive plan
40 and subarea or neighborhood plan policies that identify special opportunities for achieving

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

public benefits by allowing or requiring alternative *uses* and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire subarea or neighborhood planning areas. Special district overlay development standards are maintained by the *department* and are available for public inspection and copying during regular business hours. [Ord. 11-0329 § 3 (Exh. 1).]

18.15.150 Zoning maps and boundaries.

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

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

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

Sections:

- [18.20.010 Scope of chapter.](#)
- [18.20.020 Abandoned vehicle.](#)
- [18.20.030 Accessory living quarters.](#)
- [18.20.035 Accessory use.](#)
- [18.20.040 Agricultural activities, existing and ongoing.](#)
- [18.20.045 Repealed.](#)
- [18.20.050 Repealed.](#)
- [18.20.060 Repealed.](#)
- [18.20.090 Adult entertainment business.](#)
- [18.20.095 Adult family home.](#)
- [18.20.098 Affordable housing unit.](#)
- [18.20.100 Repealed.](#)
- [18.20.105 Air transportation service.](#)
- [18.20.120 Repealed.](#)
- [18.20.130 Repealed.](#)
- [18.20.140 Alley.](#)
- [18.20.145 Alteration.](#)
- [18.20.147 Alternative transmission support structure.](#)
- [18.20.149 Amateur \(ham\) radio facility.](#)
- [18.20.150 Ambulatory surgery center.](#)
- [18.20.155 Repealed.](#)
- [18.20.160 Repealed.](#)
- [18.20.165 Anadromous fish.](#)
- [18.20.168 Animal kennel/shelter.](#)
- [18.20.170 Animal, small.](#)
- [18.20.180 Antenna.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.190 Applicant.](#)
- 2 [18.20.195 Arbor.](#)
- 3 [18.20.200 Arcade.](#)
- 4 [18.20.205 Architectural elements.](#)
- 5 [18.20.206.1 Area of special flood hazard.](#)
- 6 [18.20.207 Articulation.](#)
- 7 [18.20.210 Repealed.](#)
- 8 [18.20.212 Repealed.](#)
- 9 [18.20.214 Arts, entertainment, indoor.](#)
- 10 [18.20.215 Arts, entertainment, outdoor.](#)
- 11 [18.20.216 Assisted living.](#)
- 12 [18.20.218 Attached accessory dwelling unit.](#)
- 13 [18.20.220 Auction house.](#)
- 14 [18.20.224 Automotive sales and service, marine.](#)
- 15 [18.20.227 Automotive sales and service, nonmarine.](#)
- 16 [18.20.228 Bankfull width.](#)
- 17 [18.20.230 Base flood.](#)
- 18 [18.20.240 Base flood elevation.](#)
- 19 [18.20.243 Base station.](#)
- 20 [18.20.245 Basement.](#)
- 21 [18.20.250 Repealed.](#)
- 22 [18.20.260 Beehive.](#)
- 23 [18.20.270 Berm.](#)
- 24 [18.20.272 Best available science.](#)
- 25 [18.20.274 Best management practices \(BMPs\).](#)
- 26 [18.20.280 Billboard.](#)
- 27 [18.20.290 Billboard face.](#)
- 28 [18.20.300 Biologist.](#)
- 29 [18.20.302 Blank walls.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.305 Repealed.](#)
- 2 [18.20.308 Bonus unit.](#)
- 3 [18.20.310 Repealed.](#)
- 4 [18.20.320 Broadleaf tree.](#)
- 5 [18.20.330 Buffer or buffer area.](#)
- 6 [18.20.340 Building.](#)
- 7 [18.20.350 Building envelope.](#)
- 8 [18.20.360 Building facade.](#)
- 9 [18.20.370 Repealed.](#)
- 10 [18.20.380 Bulk gas storage tank.](#)
- 11 [18.20.390 Business service, intensive.](#)
- 12 [18.20.394 Business service, standard.](#)
- 13 [18.20.395 Caliper.](#)
- 14 [18.20.400 Repealed.](#)
- 15 [18.20.410 Capacity, school.](#)
- 16 [18.20.420 Capital facilities plan, school district.](#)
- 17 [18.20.422 Repealed.](#)
- 18 [18.20.425 Categorically excluded.](#)
- 19 [18.20.430 Cattery.](#)
- 20 [18.20.440 Cemetery, columbarium or mausoleum.](#)
- 21 [18.20.450 Channel relocation and stream meander areas.](#)
- 22 [18.20.453 Channel width and gradient.](#)
- 23 [18.20.460 Repealed.](#)
- 24 [18.20.465 City.](#)
- 25 [18.20.468 City manager.](#)
- 26 [18.20.470 Classrooms, school.](#)
- 27 [18.20.480 Clearing.](#)
- 28 [18.20.485 Clustered.](#)
- 29 [18.20.490 Cogeneration.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.492 College/university.](#)
- 2 [18.20.494 Collocation.](#)
- 3 [18.20.495 Commercial nursery or tree farm.](#)
- 4 [18.20.498 Repealed.](#)
- 5 [18.20.500 Repealed.](#)
- 6 [18.20.510 Repealed.](#)
- 7 [18.20.520 Community residential facility \(CRF\).](#)
- 8 [18.20.530 Commuter parking lot.](#)
- 9 [18.20.540 Compensatory storage.](#)
- 10 [18.20.550 Conditional use permit.](#)
- 11 [18.20.560 Conference center.](#)
- 12 [18.20.570 Confinement area.](#)
- 13 [18.20.580 Repealed.](#)
- 14 [18.20.590 Construction and trade.](#)
- 15 [18.20.610 Courtyard.](#)
- 16 [18.20.612 Critical areas.](#)
- 17 [18.20.614 Critical area tract.](#)
- 18 [18.20.630 Critical facility.](#)
- 19 [18.20.632 Critical root zone \(CRZ\).](#)
- 20 [18.20.633 Crown.](#)
- 21 [18.20.635 Repealed.](#)
- 22 [18.20.640 Daily care.](#)
- 23 [18.20.650 Day care.](#)
- 24 [18.20.655 Debris flow.](#)
- 25 [18.20.660 Deciduous.](#)
- 26 [18.20.665 Degraded wetland buffer.](#)
- 27 [18.20.670 Density credit, transfer of \(TDC\).](#)
- 28 [18.20.680 Department.](#)
- 29 [18.20.690 Repealed.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 20

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.695 Designated manufactured home.](#)
- 2 [18.20.697 Designation, critical area.](#)
- 3 [18.20.700 Repealed.](#)
- 4 [18.20.705 Detached accessory dwelling unit.](#)
- 5 [18.20.710 Developer.](#)
- 6 [18.20.715 Development.](#)
- 7 [18.20.730 Development agreement.](#)
- 8 [18.20.735 Development permit.](#)
- 9 [18.20.740 Development proposal.](#)
- 10 [18.20.750 Development proposal site.](#)
- 11 [18.20.752 Diameter at breast height \(d.b.h.\).](#)
- 12 [18.20.755 Differential settlement.](#)
- 13 [18.20.760 Distributed antenna system \(DAS\).](#)
- 14 [18.20.765 Disturbance.](#)
- 15 [18.20.772 Repealed.](#)
- 16 [18.20.775 Domiciliary care.](#)
- 17 [18.20.780 Repealed.](#)
- 18 [18.20.785 Drive-through service.](#)
- 19 [18.20.790 Repealed.](#)
- 20 [18.20.800 Repealed.](#)
- 21 [18.20.805 Durable materials.](#)
- 22 [18.20.810 Dwelling unit.](#)
- 23 [18.20.820 Dwelling unit, accessory.](#)
- 24 [18.20.830 Dwelling unit, microhousing.](#)
- 25 [18.20.832 Dwelling, middle housing.](#)
- 26 [18.20.835 Dwelling, multiple-family.](#)
- 27 [18.20.840 Dwelling unit, single detached.](#)
- 28 [18.20.860 Repealed.](#)
- 29 [18.20.863 Eating and drinking place.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.865 Repealed.](#)
- 2 [18.20.867 Educational service.](#)
- 3 [18.20.870 Effective radiated power.](#)
- 4 [18.20.880 Electrical substation.](#)
- 5 [18.20.885 Emergent wetland.](#)
- 6 [18.20.890 Emergency.](#)
- 7 [18.20.900 Repealed.](#)
- 8 [18.20.910 Enhancement.](#)
- 9 [18.20.920 Equipment, heavy.](#)
- 10 [18.20.930 Erosion.](#)
- 11 [18.20.940 Erosion hazard areas.](#)
- 12 [18.20.950 Evergreen.](#)
- 13 [18.20.965 Existing legal uses.](#)
- 14 [18.20.967 FAA.](#)
- 15 [18.20.970 Repealed.](#)
- 16 [18.20.1000 Repealed.](#)
- 17 [18.20.1010 Family.](#)
- 18 [18.20.1012 Family child-care home.](#)
- 19 [18.20.1015 FCC.](#)
- 20 [18.20.1020 Repealed.](#)
- 21 [18.20.1040 Fence.](#)
- 22 [18.20.1050 Financial guarantee.](#)
- 23 [18.20.1051 Fire or police facility.](#)
- 24 [18.20.1052 First floor facades.](#)
- 25 [18.20.1055 Fish habitat.](#)
- 26 [18.20.1056 Fish and wildlife habitat conservation areas.](#)
- 27 [18.20.1057 Flood or flooding.](#)
- 28 [18.20.1059 Flood elevation study.](#)
- 29 [18.20.1060 Repealed.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.1070 Flood hazard areas.](#)
- 2 [18.20.1080 Flood insurance rate map \(FIRM\).](#)
- 3 [18.20.1090 Flood insurance study \(FIS\).](#)
- 4 [18.20.1100 Flood protection elevation.](#)
- 5 [18.20.1110 Floodplain.](#)
- 6 [18.20.1120 Floodproofing.](#)
- 7 [18.20.1125 Floodway.](#)
- 8 [18.20.1130 Repealed.](#)
- 9 [18.20.1135 Floor area ratio \(FAR\).](#)
- 10 [18.20.1140 Repealed.](#)
- 11 [18.20.1150 Forest practice.](#)
- 12 [18.20.1160 Repealed.](#)
- 13 [18.20.1170 Repealed.](#)
- 14 [18.20.1180 Frequently flooded areas.](#)
- 15 [18.20.1185 Functions and values.](#)
- 16 [18.20.1187 Funeral home/crematory.](#)
- 17 [18.20.1190 Repealed.](#)
- 18 [18.20.1200 Repealed.](#)
- 19 [18.20.1202 Repealed.](#)
- 20 [18.20.1203 General services land uses.](#)
- 21 [18.20.1205 Geologically hazardous areas.](#)
- 22 [18.20.1210 Geologist.](#)
- 23 [18.20.1230 Repealed.](#)
- 24 [18.20.1233 Government/business services land uses.](#)
- 25 [18.20.1235 Repealed.](#)
- 26 [18.20.1240 Grade span.](#)
- 27 [18.20.1250 Grading.](#)
- 28 [18.20.1260 Grazing area.](#)
- 29 [18.20.1270 Ground cover.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.1272 Ground floor.](#)
- 2 [18.20.1273 Grove.](#)
- 3 [18.20.1275 Hazard areas.](#)
- 4 [18.20.1280 Hazardous household substance.](#)
- 5 [18.20.1290 Hazardous liquid and gas transmission pipelines.](#)
- 6 [18.20.1300 Hazardous substance.](#)
- 7 [18.20.1301 Headwater stream.](#)
- 8 [18.20.1302 Health care and social assistance.](#)
- 9 [18.20.1305 *Repealed.*](#)
- 10 [18.20.1307 Hearing examiner.](#)
- 11 [18.20.1310 Heavy equipment and truck repair.](#)
- 12 [18.20.1312 Habitat management.](#)
- 13 [18.20.1314 Habitats of local importance.](#)
- 14 [18.20.1320 Helistop.](#)
- 15 [18.20.1330 Historic resource.](#)
- 16 [18.20.1340 Historic structure.](#)
- 17 [18.20.1350 *Repealed.*](#)
- 18 [18.20.1360 Home industry.](#)
- 19 [18.20.1370 Home occupation.](#)
- 20 [18.20.1372 Hospital.](#)
- 21 [18.20.1375 Hotel.](#)
- 22 [18.20.1380 Household pets.](#)
- 23 [18.20.1381 Human-scaled elements.](#)
- 24 [18.20.1382 Hydraulic project approval \(HPA\).](#)
- 25 [18.20.1390 Hydroelectric generation facility.](#)
- 26 [18.20.1400 Impervious surface.](#)
- 27 [18.20.1420 *Repealed.*](#)
- 28 [18.20.1430 Infiltration rate.](#)
- 29 [18.20.1435 In-kind.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 24

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.1437 Intentionally created stream.](#)
- 2 [18.20.1438 Intermittent stream.](#)
- 3 [18.20.1440 Repealed.](#)
- 4 [18.20.1470 Repealed.](#)
- 5 [18.20.1480 Repealed.](#)
- 6 [18.20.1490 Repealed.](#)
- 7 [18.20.1500 Joint use driveway.](#)
- 8 [18.20.1510 Kennel.](#)
- 9 [18.20.1520 Kitchen or kitchen facility.](#)
- 10 [18.20.1525 Laboratory.](#)
- 11 [18.20.1530 Repealed.](#)
- 12 [18.20.1540 Landscape water features.](#)
- 13 [18.20.1550 Landscaping.](#)
- 14 [18.20.1560 Landslide.](#)
- 15 [18.20.1570 Landslide hazard areas.](#)
- 16 [18.20.1572 Large woody debris \(LWD\).](#)
- 17 [18.20.1575 Lattice tower.](#)
- 18 [18.20.1580 Level of service \(LOS\).](#)
- 19 [18.20.1590 Light equipment.](#)
- 20 [18.20.1600 Livestock.](#)
- 21 [18.20.1610 Livestock, large.](#)
- 22 [18.20.1620 Livestock, small.](#)
- 23 [18.20.1630 Repealed.](#)
- 24 [18.20.1640 Loading space.](#)
- 25 [18.20.1650 Repealed.](#)
- 26 [18.20.1660 Lot.](#)
- 27 [18.20.1661 Lot, parent.](#)
- 28 [18.20.1662 Lot, unit.](#)
- 29 [18.20.1670 Lot line, interior.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.1671 Low impact development \(LID\).](#)
- 2 [18.20.1673 Lowest floor.](#)
- 3 [18.20.1675 Manufactured home.](#)
- 4 [18.20.1675.1 Manufactured housing community.](#)
- 5 [18.20.1676 Manufacturing, heavy.](#)
- 6 [18.20.1677 Manufacturing, light.](#)
- 7 [18.20.1678 Manufacturing land uses.](#)
- 8 [18.20.1679.1 Cannabis.](#)
- 9 [18.20.1679.2 Cannabis business.](#)
- 10 [18.20.1679.2.5 Cannabis cooperative.](#)
- 11 [18.20.1679.3 Cannabis processor.](#)
- 12 [18.20.1679.4 Cannabis producer.](#)
- 13 [18.20.1679.4.5 Cannabis researcher.](#)
- 14 [18.20.1679.5 Cannabis retailer.](#)
- 15 [18.20.1680 Marina.](#)
- 16 [18.20.1683 Mass wasting.](#)
- 17 [18.20.1685 Master plan.](#)
- 18 [18.20.1690 Median income.](#)
- 19 [18.20.1695 Repealed.](#)
- 20 [18.20.1700 Repealed.](#)
- 21 [18.20.1705 Repealed.](#)
- 22 [18.20.1710 Mitigation.](#)
- 23 [18.20.1720 Mitigation bank.](#)
- 24 [18.20.1730 Mitigation banking.](#)
- 25 [18.20.1740 Mixed use development.](#)
- 26 [18.20.1745 Repealed.](#)
- 27 [18.20.1747 Mobile food service.](#)
- 28 [18.20.1750 Mobile home.](#)
- 29 [18.20.1760 Repealed.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.1761 Mobility unit.](#)
- 2 [18.20.1762 Repealed.](#)
- 3 [18.20.1765 Modulation.](#)
- 4 [18.20.1770 Monitoring.](#)
- 5 [18.20.1775 Repealed.](#)
- 6 [18.20.1785 Motel.](#)
- 7 [18.20.1790 Repealed.](#)
- 8 [18.20.1800 Repealed.](#)
- 9 [18.20.1810 Mulch.](#)
- 10 [18.20.1820 Repealed.](#)
- 11 [18.20.1830 Native vegetation.](#)
- 12 [18.20.1835 Natural waters.](#)
- 13 [18.20.1840 Negative externality.](#)
- 14 [18.20.1850 Net buildable area.](#)
- 15 [18.20.1860 Nonconformance.](#)
- 16 [18.20.1870 Nonhydroelectric generation facility.](#)
- 17 [18.20.1875 Nonindigenous.](#)
- 18 [18.20.1880 Nonionizing electromagnetic radiation \(NIER\).](#)
- 19 [18.20.1890 Noxious weed.](#)
- 20 [18.20.1900 Repealed.](#)
- 21 [18.20.1905 Office.](#)
- 22 [18.20.1910 Open space.](#)
- 23 [18.20.1920 Open-work fence.](#)
- 24 [18.20.1930 Ordinary high water mark.](#)
- 25 [18.20.1940 Repealed.](#)
- 26 [18.20.1945 Outdoor retail display/sidewalk sale.](#)
- 27 [18.20.1960 Park.](#)
- 28 [18.20.1995 Parking management plan.](#)
- 29 [18.20.2000 Parking space.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 27

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.2030 Peak hour.](#)
- 2 [18.20.2035 Pedestrian walkway.](#)
- 3 [18.20.2040 Permanent school facilities.](#)
- 4 [18.20.2050 Repealed.](#)
- 5 [18.20.2055 Personal service.](#)
- 6 [18.20.2060 Repealed.](#)
- 7 [18.20.2070 Repealed.](#)
- 8 [18.20.2102 Practical alternative.](#)
- 9 [18.20.2104 Priority habitat/species or priority wildlife habitat/species.](#)
- 10 [18.20.2110 Private.](#)
- 11 [18.20.2120 Private stormwater management facility.](#)
- 12 [18.20.2130 Professional office.](#)
- 13 [18.20.2135 Repealed.](#)
- 14 [18.20.2140 Public agency.](#)
- 15 [18.20.2150 Repealed.](#)
- 16 [18.20.2160 Public agency archive.](#)
- 17 [18.20.2170 Public agency or utility office.](#)
- 18 [18.20.2180 Public agency or utility yard.](#)
- 19 [18.20.2190 Repealed.](#)
- 20 [18.20.2195 Public space/public open space.](#)
- 21 [18.20.2202 Public view.](#)
- 22 [18.20.2205 Qualified professional.](#)
- 23 [18.20.2207 Qualified tree protection professional.](#)
- 24 [18.20.2208 Quality habitat areas.](#)
- 25 [18.20.2210 Radio frequency.](#)
- 26 [18.20.2220 Reasonable use.](#)
- 27 [18.20.2230 Receiving site.](#)
- 28 [18.20.2231 Reclassification.](#)
- 29 [18.20.2232 Reconstruction.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 28

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.2233 Recreational/cultural land uses.](#)
- 2 [18.20.2234 Recreational facility, indoor.](#)
- 3 [18.20.2237 Recreational facility, outdoor.](#)
- 4 [18.20.2240 Recreational vehicle \(RV\).](#)
- 5 [18.20.2250 Repealed.](#)
- 6 [18.20.2260 Recyclable material.](#)
- 7 [18.20.2265 Regional land use.](#)
- 8 [18.20.2275 Regional land uses.](#)
- 9 [18.20.2280 Repealed.](#)
- 10 [18.20.2290 Regional utility corridor.](#)
- 11 [18.20.2292 Rehabilitation.](#)
- 12 [18.20.2295 Religious institution.](#)
- 13 [18.20.2310 Relocatable facility.](#)
- 14 [18.20.2320 Relocation facilities.](#)
- 15 [18.20.2325 Residential land uses.](#)
- 16 [18.20.2326 Resource land use.](#)
- 17 [18.20.2327 Resource land uses.](#)
- 18 [18.20.2330 Restoration.](#)
- 19 [18.20.2350 Repealed.](#)
- 20 [18.20.2362 Retail land uses.](#)
- 21 [18.20.2364 Retail sales.](#)
- 22 [18.20.2365 Retail sales, bulk.](#)
- 23 [18.20.2367 Repealed.](#)
- 24 [18.20.2370 Retaining wall.](#)
- 25 [18.20.2375 Riparian stream corridor.](#)
- 26 [18.20.2380 Riparian management zone \(RMZ\).](#)
- 27 [18.20.2385 Riparian zone.](#)
- 28 [18.20.2410 Salmonid.](#)
- 29 [18.20.2415 Satellite dish.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 29

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.2420 School bus base.](#)
- 2 [18.20.2430 School district.](#)
- 3 [18.20.2440 Repealed.](#)
- 4 [18.20.2450 Repealed.](#)
- 5 [18.20.2460 Repealed.](#)
- 6 [18.20.2461 Seasonal low flow and seasonal low water.](#)
- 7 [18.20.2462 Section 404 permit.](#)
- 8 [18.20.2465 Secure community transition facilities \(SCTF\).](#)
- 9 [18.20.2468 Secure facility.](#)
- 10 [18.20.2470 Seismic hazard areas.](#)
- 11 [18.20.2480 Self-service storage.](#)
- 12 [18.20.2490 Sending site.](#)
- 13 [18.20.2500 Senior citizen.](#)
- 14 [18.20.2524 Repealed.](#)
- 15 [18.20.2527 Repealed.](#)
- 16 [18.20.2530 Setback.](#)
- 17 [18.20.2540 Shelters for temporary placement.](#)
- 18 [18.20.2550 Repealed.](#)
- 19 [18.20.2560 Sign.](#)
- 20 [18.20.2570 Sign, awning.](#)
- 21 [18.20.2580 Sign, changing message center.](#)
- 22 [18.20.2590 Sign, community bulletin board.](#)
- 23 [18.20.2600 Sign, directional.](#)
- 24 [18.20.2610 Sign, freestanding.](#)
- 25 [18.20.2620 Sign, fuel price.](#)
- 26 [18.20.2630 Sign, incidental.](#)
- 27 [18.20.2640 Sign, indirectly illuminated.](#)
- 28 [18.20.2650 Sign, monument.](#)
- 29 [18.20.2660 Sign, off-premises directional.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.2670 Sign, on-premises.](#)
- 2 [18.20.2680 Sign, permanent residential development identification.](#)
- 3 [18.20.2690 Sign, portable.](#)
- 4 [18.20.2700 Sign, projecting.](#)
- 5 [18.20.2710 Sign, time and temperature.](#)
- 6 [18.20.2720 Sign, wall.](#)
- 7 [18.20.2730 Significant tree.](#)
- 8 [18.20.2740 Site.](#)
- 9 [18.20.2750 Site area.](#)
- 10 [18.20.2765 Small cell.](#)
- 11 [18.20.2782 Social card game.](#)
- 12 [18.20.2784 Social services.](#)
- 13 [18.20.2790 Repealed.](#)
- 14 [18.20.2810 Special use permit.](#)
- 15 [18.20.2820 Specialized instruction school.](#)
- 16 [18.20.2822 Species.](#)
- 17 [18.20.2823 Species, candidate.](#)
- 18 [18.20.2824 Species, endangered.](#)
- 19 [18.20.2825 Species of concern.](#)
- 20 [18.20.2826 Species, threatened.](#)
- 21 [18.20.2840 Repealed.](#)
- 22 [18.20.2850 Sports club.](#)
- 23 [18.20.2860 Stable.](#)
- 24 [18.20.2865 Standalone parking.](#)
- 25 [18.20.2870 Standard of service, school districts.](#)
- 26 [18.20.2875 Start of construction.](#)
- 27 [18.20.2884 Repealed.](#)
- 28 [18.20.2887 Storage, outdoor.](#)
- 29 [18.20.2890 Stream functions.](#)

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.2900 Stream.](#)
- 2 [18.20.2905 Stream reconnaissance report.](#)
- 3 [18.20.2910 Street.](#)
- 4 [18.20.2920 Street frontage.](#)
- 5 [18.20.2925 Street tree.](#)
- 6 [18.20.2930 Structure.](#)
- 7 [18.20.2935 Structural diversity.](#)
- 8 [18.20.2945 Subdrainage basin or sub-basin.](#)
- 9 [18.20.2955 Substantial damage.](#)
- 10 [18.20.2960 Substantial improvement.](#)
- 11 [18.20.2963 Supportive living facility.](#)
- 12 [18.20.2965 Repealed.](#)
- 13 [18.20.2968 Temporary lodging.](#)
- 14 [18.20.2970 Repealed.](#)
- 15 [18.20.2980 Repealed.](#)
- 16 [18.20.2990 Tower.](#)
- 17 [18.20.3000 Trails.](#)
- 18 [18.20.3010 Repealed.](#)
- 19 [18.20.3020 Transit bus base.](#)
- 20 [18.20.3022 Transit, high capacity.](#)
- 21 [18.20.3023 Transit center.](#)
- 22 [18.20.3025 Transit stop, major.](#)
- 23 [18.20.3030 Transitional housing facilities.](#)
- 24 [18.20.3040 Repealed.](#)
- 25 [18.20.3060 Repealed.](#)
- 26 [18.20.3065 Recodified.](#)
- 27 [18.20.3067 Repealed.](#)
- 28 [18.20.3070 Repealed.](#)
- 29 [18.20.3075 Transportation.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.3077 Transportation concurrency.](#)
- 2 [18.20.3082 Tree.](#)
- 3 [18.20.3083 Tree, exceptional.](#)
- 4 [18.20.3084 Tree, hazard.](#)
- 5 [18.20.3088 Tree, remove or removal.](#)
- 6 [18.20.3090 Tree windthrow.](#)
- 7 [18.20.3095 Unavoidable impact.](#)
- 8 [18.20.3100 Unit Density.](#)
- 9 [18.20.3110 Use.](#)
- 10 [18.20.3111 Uses, classified.](#)
- 11 [18.20.3112 Uses, permitted.](#)
- 12 [18.20.3114 Uses, prohibited.](#)
- 13 [18.20.3117 Uses, unclassified.](#)
- 14 [18.20.3118 Utility.](#)
- 15 [18.20.3120 Utility facility.](#)
- 16 [18.20.3130 Vector waste.](#)
- 17 [18.20.3140 Vector waste receiving facility.](#)
- 18 [18.20.3150 Variance.](#)
- 19 [18.20.3155 **Repealed.**](#)
- 20 [18.20.3160 Vegetation.](#)
- 21 [18.20.3165 Vehicle or equipment rental.](#)
- 22 [18.20.3168 Vehicle refueling station.](#)
- 23 [18.20.3170 Vocational school.](#)
- 24 [18.20.3180 Warehousing.](#)
- 25 [18.20.3190 **Repealed.**](#)
- 26 [18.20.3200 **Repealed.**](#)
- 27 [18.20.3220 Water-dependent use.](#)
- 28 [18.20.3225 Water resource inventory area \(WRIA\).](#)
- 29 [18.20.3227 Weather protection.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 [18.20.3240 Wetland edge.](#)
- 2 [18.20.3245 Wetland, establishment \(creation\).](#)
- 3 [18.20.3250 Wetland, forested.](#)
- 4 [18.20.3260 Wetland functions.](#)
- 5 [18.20.3280 Wetlands.](#)
- 6 [18.20.3282 Wetland class.](#)
- 7 [18.20.3284 Wetland determination.](#)
- 8 [18.20.3286 Wetland delineation manual.](#)
- 9 [18.20.3288 Wetland mitigation banking.](#)
- 10 [18.20.3290 Wholesale trade.](#)
- 11 [18.20.3295 Wildlife report.](#)
- 12 [18.20.3300 Repealed.](#)
- 13 [18.20.3305 Wind-firm.](#)
- 14 [18.20.3306 Wireless communication facility \(WCF\).](#)
- 15 [18.20.3307 Repealed.](#)
- 16 [18.20.3310 Repealed.](#)
- 17 [18.20.3320 Wrecked, dismantled or inoperative vehicle.](#)
- 18 [18.20.3330 Repealed.](#)
- 19 [18.20.3340 Zero-lot-line development.](#)
- 20 [18.20.3350 Zero-rise floodway.](#)
- 21 **18.20.010 Scope of chapter.**
- 22 This chapter contains definitions of technical and procedural terms used throughout this title.
- 23 Defined terms are shown in italics in the text of the title. [Ord. 11-0329 § 3 (Exh. 1).]
- 24 **18.20.020 Abandoned vehicle.**
- 25 "Abandoned vehicle" means any vehicle left upon the property of another without the consent of
- 26 the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be
- 27 considered abandoned if its owner or operator is unable to remove it from the place where it is
- 28 located and so notifies law enforcement officials and requests assistance. [Ord. 11-0329 § 3
- 29 (Exh. 1).]
- 30 **18.20.030 Accessory living quarters.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

5 **18.20.035 Accessory use.**

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

13 **18.20.040 Agricultural activities, existing and ongoing.**

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

23 **18.20.045 Accessory use, parks.**

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

25 **18.20.050 Accessory use, residential.**

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

27 **18.20.060 Accessory use, resource.**

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

29 **18.20.090 Adult entertainment business.**

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

33 **18.20.095 Adult family home.**

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

18.20.098 Affordable housing unit.

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

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

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

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

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

18.20.100 Agricultural product sales.

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

18.20.105 Air transportation service.

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

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

18.20.120 Aircraft, ship and boat building.

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

18.20.130 Airport/heliport.

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

18.20.140 Alley.

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.145 Alteration.**

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

6 **18.20.147 Alternative transmission support structure.**

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

12 **18.20.149 Amateur (ham) radio facility.**

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

16 **18.20.150 Ambulatory surgery center.**

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

19 May include NAICS 621493 (Freestanding Ambulatory Surgical and Emergency Centers). [Ord.
20 14-0391 § 2 (Exh. 1).]

21 **18.20.155 Amusement and recreation services.**

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

23 **18.20.160 Amusement arcade.**

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

25 **18.20.165 Anadromous fish.**

26 "Anadromous fish" means fish that spawn and rear in freshwater and mature in the marine
27 environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live
28 for many years, moving in and out of saltwater and spawning each year. The life history of
29 Pacific salmon and char contains critical periods of time when these fish are more susceptible
30 to environmental and physical damage than at other times. The life history of salmon, for
31 example, contains the following stages: upstream migration of adults, spawning, intergravel
32 incubation, rearing, smoltification (the time period needed for juveniles to adjust their body
33 functions to live in the marine environment), downstream migration, and ocean rearing to
34 adults. [Ord. 11-0329 § 3 (Exh. 1).]

35 **18.20.168 Animal kennel/shelter.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

18.20.170 Animal, small.

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

18.20.180 Antenna.

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

18.20.190 Applicant.

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

18.20.195 Arbor.

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

18.20.200 Arcade.

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

18.20.205 Architectural elements.

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

18.20.206.1 Area of special flood hazard.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.” [Ord. 19-0488 § 4 (Exh. 2).]

18.20.207 Articulation.

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

18.20.210 Artist studio.

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

18.20.212 Arts and crafts schools/studios.

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

18.20.214 Arts, entertainment, indoor.

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

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

18.20.215 Arts, entertainment, outdoor.

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

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

18.20.216 Assisted living.

“Assisted living” means an establishment which provides living quarters and *domiciliary care* to individuals who are unable to live independently due to infirmity of age or physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities, a full *kitchen* or no *kitchen*. The facility may provide a minimal amount of

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

supportive health care monitoring, such as assistance with medication. In addition, these facilities may have a communal dining area, recreation facilities (library, lounge, game room), laundry facilities and open space. Assisted living does not include adult family homes as defined in Chapter [70.128](#) RCW. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.218 Attached accessory dwelling unit.

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

18.20.220 Auction house.

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

18.20.224 Automotive sales and service, marine.

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

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

18.20.227 Automotive sales and service, nonmarine.

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

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

18.20.228 Bankfull width.

“Bankfull width” means:

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

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

C. For periodically inundated areas of associated wetlands – Line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.230 Base flood.

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

18.20.240 Base flood elevation.

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

18.20.243 Base station.

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

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

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

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

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

18.20.245 Basement.

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

18.20.250 Bed and breakfast guesthouse.

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.260 Beehive.**

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

4 **18.20.270 Berm.**

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

6 **18.20.272 Best available science.**

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

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

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

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

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

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

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

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

22 **18.20.280 Billboard.**

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

27 **18.20.290 Billboard face.**

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

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

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.300 Biologist.**

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

5 **18.20.302 Blank walls.**

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

10 **18.20.305 Boat launch.**

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

12 **18.20.308 Bonus unit.**

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

15 **18.20.310 Book, stationery, video and art supply store.**

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

17 **18.20.320 Broadleaf tree.**

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

20 **18.20.330 Buffer or buffer area.**

21 For purposes of *critical areas* regulations, "buffer" or "buffer area" means an area surrounding a
22 critical area, is contiguous to a critical area, and that is required for the protection of the *critical*
23 *area* from adverse impacts to its integrity, functions, and values. The buffer shall consist of a
24 naturally vegetated and undisturbed, enhanced, or revegetated area for streams, wetlands, and
25 top of slope for landslide hazard areas. The buffer area shall require continued maintenance,
26 functioning, and/or structural stability of the *critical area*. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-
27 0329 § 3 (Exh. 1).]

28 **18.20.340 Building.**

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

30 **18.20.350 Building envelope.**

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

34 **18.20.360 Building facade.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

4 **18.20.370 Building, hardware and garden materials store.**

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

6 **18.20.380 Bulk gas storage tank.**

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

9 **18.20.390 Business service, intensive.**

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

16 May include NAICS 45431 (Fuel Dealers). May include Sector 56 (Administrative and Support
17 and Waste Management and Remediation Services), except the following: 561210 (Facilities
18 Support Services for private correctional facilities), 5615 (Travel Arrangement and Reservation
19 Services), 56171 (Exterminating and Pest Control Services), 56173 (Landscaping Services),
20 56179 (Other Services to Buildings/Dwellings) and 562 (Waste Management and Remediation).
21 May include 8113 (Commercial and Industrial Machinery and Equipment Repair and
22 Maintenance) and 812332 (Industrial Launderers). [Ord. 14-0391 § 2 (Exh. 1).]

23 **18.20.394 Business service, standard.**

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

31 May include NAICS 491 (Postal Service), 492 (Couriers and Messengers), 518 (Data Processing,
32 Hosting, and Related Services), 53242 (Office Machinery and Equipment Rental and Leasing),
33 54186 (Direct Mail Advertising), and 541922 (Commercial Photography).

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.395 Caliper.**

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

6 **18.20.400 Campground.**

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

8 **18.20.410 Capacity, school.**

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

12 **18.20.420 Capital facilities plan, school district.**

13 "School district capital facilities plan" means a district's facilities plan adopted by the school
14 board consisting of:

- 15 A. An inventory showing the location and *school capacity* of existing school facilities;
- 16 B. A forecast of future needs for school facilities based on the district's enrollment projections
17 and adopted *standard of service*;
- 18 C. The long-range construction and capital improvement projects of the district;
- 19 D. The proposed locations and *school capacities* of expanded or new school facilities;
- 20 E. At least a six-year financing plan component, updated as necessary to maintain at least a six-
21 year forecast period, for financing needed school facilities within projected funding levels, and
22 identifying sources of financing for such purposes, including bond issues authorized by the
23 voters and projected bond issues not yet authorized by the voters; and
- 24 F. Any other long-range projects planned by the district. [Ord. 18-0463 § 3 (Exh. 2); Ord. 11-0329
25 § 3 (Exh. 1).]

26 **18.20.422 Car wash.**

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

28 **18.20.425 Categorically excluded.**

29 For purposes of Chapter [18.60](#) KMC, "categorically excluded" means as defined in 1.1306 and
30 1.1307 in the Code of Federal Regulations (CFR). [Ord. 11-0329 § 3 (Exh. 1).]

31 **18.20.430 Cattery.**

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.440 Cemetery, columbarium or mausoleum.**

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

5 May include NAICS 81222 (Cemeteries and Crematories). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-
6 0329 § 3 (Exh. 1).]

7 **18.20.450 Channel relocation and stream meander areas.**

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

11 **18.20.453 Channel width and gradient.**

12 "Channel width and gradient" means a measurement over a representative section of at least
13 500 linear feet with at least 10 evenly spaced measurement points along the normal stream
14 channel but excluding unusually wide areas of negligible gradient, such as marshy or swampy
15 areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream
16 profiles plotted from United States Geological Survey topographic maps. [Ord. 19-0488 § 4 (Exh.
17 2).]

18 **18.20.460 Church, synagogue, mosque, temple.**

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

20 **18.20.465 City.**

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

22 **18.20.468 City manager.**

23 "City manager" means the City of Kenmore city manager or his or her designee(s). [Ord. 11-0329
24 § 3 (Exh. 1).]

25 **18.20.470 Classrooms, school.**

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

30 **18.20.480 Clearing.**

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

36 **18.20.485 Clustered.**

| *The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.*

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

4 **18.20.490 Cogeneration.**

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

8 **18.20.492 College/university.**

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

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

18 **18.20.494 Collocation.**

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

21 **18.20.495 Commercial nursery or tree farm.**

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

26 **18.20.498 Communication facility.**

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

28 **18.20.500 Communication facility, major.**

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

30 **18.20.510 Communication facility, minor.**

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

32 **18.20.520 Community residential facility (CRF).**

33 "Community residential facility (CRF)" means living quarters meeting applicable federal and
34 State standards that function as a single housekeeping unit and provide supportive services,
35 including but not limited to counseling, rehabilitation and medical supervision, excluding drug

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 and alcohol detoxification which is classified as a *hospital*. CRFs are further classified as
2 follows:

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

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

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

8 May include NAICS 623210 (Residential Intellectual and Developmental Disability Facilities) and
9 623220 (Residential Mental Health and Substance Abuse Facilities). [Ord. 17-0438 § 2 (Att. A);
10 Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

11 **18.20.530 Commuter parking lot.**

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

14 **18.20.540 Compensatory storage.**

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

20 **18.20.550 Conditional use permit.**

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

25 **18.20.560 Conference center.**

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

29 **18.20.570 Confinement area.**

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

32 **18.20.580 Consolidation.**

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

34 **18.20.590 Construction and trade.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

6 May include NAICS Sector 23 (Construction), 54135 (Building Inspection Services), 56171
7 (Exterminating and Pest Control Services), 56173 (Landscaping Services), 56179 (Other
8 Services to Buildings and Dwellings), and 56299 (All Other Waste Management Services). [Ord.
9 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

10 **18.20.610 Courtyard.**

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

14 **18.20.612 Critical areas.**

15 "Critical areas" means any of the following areas or ecosystems: aquifer recharge areas, fish
16 and wildlife habitat areas of importance, frequently flooded areas, *geologically hazardous*
17 *areas, streams*, and *wetlands*, as defined in Chapter [36.70A](#) RCW and this chapter. [Ord. 11-0329
18 § 3 (Exh. 1).]

19 **18.20.614 Critical area tract.**

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

25 **18.20.630 Critical facility.**

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

32 **18.20.632 Critical root zone (CRZ).**

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

38 **18.20.633 Crown.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

3 **18.20.635 Cultural facilities.**

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

5 **18.20.640 Daily care.**

6 "Daily care" means medical procedures, monitoring and attention that are necessarily provided
7 at the residence of the patient by the primary provider of daily care on a 24-hour basis. [Ord. 11-
8 0329 § 3 (Exh. 1).]

9 **18.20.650 Day care.**

10 "Day care" means an establishment for group care of nonresident adults or children.

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

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

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

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

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

18 B. Day care establishments are subclassified as follows:

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

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

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

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

24 **18.20.655 Debris flow.**

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

28 **18.20.660 Deciduous.**

29 "Deciduous" means a plant species with foliage that is shed annually. [Ord. 11-0329 § 3 (Exh.
30 1).]

31 **18.20.665 Degraded wetland buffer.**

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

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 A. Lack of vegetative cover or presence of bare soils (resulting from disturbance, fill, debris, or
- 2 trash);
- 3 B. Significant cover (over 50 percent) in *nonnative vegetation*;
- 4 C. Significant cover (over 50 percent) in invasive species or *noxious weeds*;
- 5 D. Presence of existing nonconforming *structures* or improvements. [Ord. 11-0329 § 3 (Exh. 1).]
- 6 **18.20.670 Density credit, transfer of (TDC).**
- 7 "Transfer of density credit (TDC)" means the ability to transfer potentially buildable *dwelling*
- 8 *units* from an eligible *sending site* to an eligible *receiving site* as provided in this code. [Ord. 11-
- 9 0329 § 3 (Exh. 1).]
- 10 **18.20.680 Department.**
- 11 "Department" means the *City* department or outside agency assigned by the *city manager* to
- 12 administer a portion of the *City* code. [Ord. 11-0329 § 3 (Exh. 1).]
- 13 **18.20.690 Department and variety store.**
- 14 *Repealed by Ord. 17-0438.* [Ord. 11-0329 § 3 (Exh. 1).]
- 15 **18.20.695 Designated manufactured home.**
- 16 "Designated manufactured home" means a manufactured home constructed after June 15,
- 17 1976, in accordance with State and federal requirements for manufactured homes, which meets
- 18 the following conditions, as allowed under RCW [35A.21.312](#) and [35.63.160](#):
- 19 A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet
- 20 wide by 36 feet long;
- 21 B. Was originally constructed with, and now has, a composition or wood shake or shingle,
- 22 coated metal, or similar roof of nominal 3:12 pitch;
- 23 C. Has exterior siding similar in appearance to siding materials commonly used on conventional
- 24 site-built International Residential Code single-family residences;
- 25 D. Is a "new manufactured home" as defined in RCW [35.63.160](#), meaning any manufactured
- 26 home required to be titled under RCW Title [46](#), which has not been previously titled to a retail
- 27 purchaser, and is not a "used mobile home" as defined in RCW [82.45.032](#)(2);
- 28 E. Is set upon a permanent foundation, as specified by the manufacturer, and that the space
- 29 from the bottom of the home to the ground be enclosed by concrete or an approved concrete
- 30 product which can be either load-bearing or decorative;
- 31 F. Complies with all local design standards applicable to all other homes within the
- 32 neighborhood in which the manufactured home is to be located;
- 33 G. Is thermally equivalent to the State Energy Code; and

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

3 **18.20.697 Designation, critical area.**

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

13 **18.20.700 Destination resort.**

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

15 **18.20.705 Detached accessory dwelling unit.**

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

21 **18.20.710 Developer.**

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

25 **18.20.715 Development.**

26 "Development" means any activity upon the land consisting of construction or alteration
27 of *structures*, earth movement, dredging, dumping, *grading*, filling, mining, removal of any sand,
28 gravel, or minerals, driving of piles, drilling operations, bulkheading, *clearing of vegetation*, or
29 other land disturbance. Development includes the storage or use of equipment or materials
30 inconsistent with the existing use. Development also includes approvals issued by the *City* that
31 bind land to specific patterns of use, including, but not limited to, subdivisions, short
32 subdivisions, zone changes, *conditional use permits*, and binding site plans. Development does
33 not include the following activities:

34 A. Interior *building* improvements;

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

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

18.20.730 Development agreement.

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

18.20.735 Development permit.

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

18.20.740 Development proposal.

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

18.20.750 Development proposal site.

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

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

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

18.20.755 Differential settlement.

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

18.20.760 Distributed antenna system (DAS).

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

18.20.765 Disturbance.

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.772 Dock.**

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

3 **18.20.775 Domiciliary care.**

4 "Domiciliary care" means:

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

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

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

8 **18.20.780 Dormitory.**

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

10 **18.20.785 Drive-through service.**

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

19 **18.20.790 Drop box facility.**

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

21 **18.20.800 Drug store.**

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

23 **18.20.805 Durable materials.**

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

27 **18.20.810 Dwelling unit.**

28 "Dwelling unit" means one or more rooms designed for occupancy by a person or *family* for
29 living and sleeping purposes, containing *kitchen facilities* and rooms with internal accessibility,
30 for use solely by the dwelling's occupants. *Microhousing dwelling units* may share *kitchen*
31 *facilities* with other dwelling units in place of providing *kitchen facilities* within each unit. [Ord.
32 16-0415 § 2 (Att. B); Ord. 11-0329 § 3 (Exh. 1).]

33 **18.20.820 Dwelling unit, accessory.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Accessory dwelling unit" or "ADU" means a separate, complete *dwelling unit* attached to or
2 contained within the *structure* of the primary dwelling; or contained within a
3 separate *structure* that is accessory to the primary *dwelling unit* on the premises. [Ord. 20-0510
4 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

5 **18.20.830 Dwelling unit, microhousing.**

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

11 **18.20.832 Dwelling, middle housing.**

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

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

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

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

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

23 E. Townhouse. See KMC 18.20.835(B).

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

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

27 **18.20.835 Dwelling, multiple-family.**

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

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

36 B. Townhouse. A one-family, ground-related dwelling attached to one or more such units or to a
37 nonresidential use in which each unit has its own exterior, ground-level access to the outside, no

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 unit is located over another unit, and each unit is separated from any other unit by one or more
2 vertical common walls. Typically the units are multi-story. [Ord. 16-0415 § 2 (Att. B); Ord. 14-
3 0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

4 **18.20.840 Dwelling unit, single detached.**

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

7 **18.20.860 Earth station.**

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

9 **18.20.863 Eating and drinking place.**

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

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

15 **18.20.865 Educational institutions (public or private), K – 12.**

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

17 **18.20.867 Educational service.**

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

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

23 **18.20.870 Effective radiated power.**

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

26 **18.20.880 Electrical substation.**

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

30 **18.20.885 Emergent wetland.**

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

34 **18.20.890 Emergency.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

4 **18.20.900 Energy resource recovery facility.**

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

6 **18.20.910 Enhancement.**

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

13 **18.20.920 Equipment, heavy.**

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

16 A. Carryalls;

17 B. Graders;

18 C. Loading and unloading devices;

19 D. Cranes;

20 E. Drag lines;

21 F. Trench diggers;

22 G. Tractors;

23 H. Augers;

24 I. Bulldozers;

25 J. Concrete mixers and conveyers;

26 K. Harvesters;

27 L. Combines; or

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

30 **18.20.930 Erosion.**

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

33 **18.20.940 Erosion hazard areas.**

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

18.20.950 Evergreen.

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

18.20.965 Existing legal uses.

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

18.20.967 FAA.

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

18.20.970 Fabric shop.

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

18.20.1000 Fairground.

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

18.20.1010 Family.

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the *dwelling unit* by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. [Ord. 24-0608 § 2 (Exh. A(II)); Ord. 11-0329 § 3 (Exh. 1).]

18.20.1012 Family child-care home.

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

18.20.1015 FCC.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 "FCC" means the Federal Communications Commission. [Ord. 11-0329 § 3 (Exh. 1).]
- 2 **18.20.1020 Federal Emergency Management Agency (FEMA) floodway.**
- 3 *Repealed by Ord. 19-0488.* [Ord. 11-0329 § 3 (Exh. 1).]
- 4 **18.20.1040 Fence.**
- 5 "Fence" means a barrier for the purpose of enclosing space or separating *lots*, composed of:
- 6 A. Masonry or concrete walls, excluding *retaining walls*; or
- 7 B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh. [Ord. 11-
- 8 0329 § 3 (Exh. 1).]
- 9 **18.20.1050 Financial guarantee.**
- 10 "Financial guarantee" means a form of financial security posted to ensure timely and proper
- 11 completion of improvements, compliance with this code or to warrant materials, workmanship
- 12 of improvements, and design. Financial guarantees include assignments of funds, cash
- 13 deposits, surety bonds, and other forms of financial security acceptable to the *city manager*.
- 14 [Ord. 11-0329 § 3 (Exh. 1).]
- 15 **18.20.1051 Fire or police facility.**
- 16 "Fire or police facility" means a government establishment engaged in law enforcement or fire
- 17 protection activities.
- 18 May include NAICS 92212 (Police Protection), 92215 (Parole Offices and Probation Offices),
- 19 and 92216 (Fire Protection). [Ord. 14-0391 § 2 (Exh. 1).]
- 20 **18.20.1052 First floor facades.**
- 21 "First floor facades" means, for the purposes of determining priority design standards, the
- 22 following categories of regulations when applied to the *ground floor of buildings*: *ground*
- 23 *floor facades*, *ground floor* transparency and visibility, *blank wall* and side wall, and building
- 24 materials. [Ord. 11-0329 § 3 (Exh. 1).]
- 25 **18.20.1055 Fish habitat.**
- 26 "Fish habitat" means habitat that is used by any fish at any life stage at any time of the year,
- 27 including potential habitat likely to be used by fish that could be recovered by *restoration* or
- 28 management and off-channel habitat. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]
- 29 **18.20.1056 Fish and wildlife habitat conservation areas.**
- 30 "Fish and wildlife habitat conservation areas" mean areas that serve a critical role in sustaining
- 31 needed habitats and species for the functional integrity of the ecosystem, and which, if altered,
- 32 may reduce the likelihood that the species will persist over the long term. These areas may
- 33 include but are not limited to rare and vulnerable ecological systems, communities, and habitat
- 34 or habitat elements including seasonal ranges, breeding habitat, winter range, and movement
- 35 corridors, and areas with high relative population density or species richness. [Ord. 24-0624 § 4
- 36 (Exh. B).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.1057 Flood or flooding.**

2 "Flood" or "flooding" means:

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

5 1. The overflow of inland waters.

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

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

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

17 **18.20.1059 Flood elevation study.**

18 "Flood elevation study" means an examination, evaluation and determination of flood hazards
19 and, if appropriate, corresponding water surface elevations, or an examination, evaluation and
20 determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. [Ord. 19-0488
21 § 4 (Exh. 2).]

22 **18.20.1060 Flood fringe.**

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

24 **18.20.1070 Flood hazard areas.**

25 "Flood hazard areas" means those areas in the *City* subject to inundation by the *base flood* (see
26 "Area of special flood hazard") and those areas subject to flood risks from *channel relocation or*
27 *stream meander* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions.
28 The latter flood hazard areas may extend outside of the area of special flood hazard mapped by
29 FEMA, but are defined and designated by the City. [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3
30 (Exh. 1).]

31 **18.20.1080 Flood insurance rate map (FIRM).**

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

36 **18.20.1090 Flood insurance study (FIS).**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 See "Flood elevation study." [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]
- 2 **18.20.1100 Flood protection elevation.**
- 3 "Flood protection elevation" means an elevation which is one foot above the *base flood*
- 4 *elevation*. [Ord. 11-0329 § 3 (Exh. 1).]
- 5 **18.20.1110 Floodplain.**
- 6 "Floodplain" means any land area susceptible to being inundated by water from any source (see
- 7 definition of "Flood or flooding"). [Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]
- 8 **18.20.1120 Floodproofing.**
- 9 "Floodproofing" means any combination of structural and nonstructural additions, changes, or
- 10 adjustments to structures which reduce or eliminate flood damage to real estate or improved
- 11 real property, water and sanitary facilities, structures and their contents. [Ord. 19-0488 § 4 (Exh.
- 12 2); Ord. 11-0329 § 3 (Exh. 1).]
- 13 **18.20.1125 Floodway.**
- 14 "Floodway" means the channel of a river or other watercourse and the adjacent land areas that
- 15 must be reserved in order to discharge the *base flood* without cumulatively increasing the water
- 16 surface elevation more than a designated height. Also known as the "regulatory floodway" or
- 17 "FEMA floodway." [Ord. 19-0488 § 4 (Exh. 2).]
- 18 **18.20.1130 Floodway, zero-rise.**
- 19 *Repealed by Ord. 19-0488.* [Ord. 11-0329 § 3 (Exh. 1).]
- 20 **18.20.1135 Floor area ratio (FAR).**
- 21 "Floor area ratio (FAR)" means a measure of development intensity equal to the gross building
- 22 floor area, divided by the *site area*. [Ord. 11-0329 § 3 (Exh. 1).]
- 23 **18.20.1140 Florist shop.**
- 24 *Repealed by Ord. 17-0438.* [Ord. 11-0329 § 3 (Exh. 1).]
- 25 **18.20.1150 Forest practice.**
- 26 "Forest practice" means any activity regulated by the Washington Department of Natural
- 27 Resources in WAC Title [222](#) or Chapter [79.06](#) RCW for which a forest practice permit is required,
- 28 together with:
- 29 A. Fire prevention, detection and suppression; and
- 30 B. Slash burning or removal. [Ord. 11-0329 § 3 (Exh. 1).]
- 31 **18.20.1160 Forest product sales.**
- 32 *Repealed by Ord. 17-0438.* [Ord. 11-0329 § 3 (Exh. 1).]
- 33 **18.20.1170 Forest research.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

2 **18.20.1180 Frequently flooded areas.**

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

7 **18.20.1185 Functions and values.**

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

14 **18.20.1187 Funeral home/crematory.**

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

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

18 **18.20.1190 Furniture and home furnishings store.**

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

20 **18.20.1200 General business service.**

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

22 **18.20.1202 General personal service use.**

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

24 **18.20.1203 General services land uses.**

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

30 **18.20.1205 Geologically hazardous areas.**

31 "Geologically hazardous areas" means areas that may not be suited to *development* consistent
32 with public health, safety or environmental standards because of their susceptibility to *erosion*,
33 sliding, earthquake, or other geological events as designated by WAC [365-190-080](#)(4). Types of
34 geologically hazardous areas include: *erosion, landslide*, seismic, and other hazards. [Ord. 11-
35 0329 § 3 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.1210 Geologist.**

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

5 **18.20.1230 Golf course facility.**

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

7 **18.20.1233 Government/business services land uses.**

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

14 **18.20.1235 Government facilities, City.**

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

16 **18.20.1240 Grade span.**

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

19 **18.20.1250 Grading.**

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

22 **18.20.1260 Grazing area.**

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

25 **18.20.1270 Ground cover.**

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

28 **18.20.1272 Ground floor.**

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

32 **18.20.1273 Grove.**

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.1275 Hazard areas.**

2 "Hazard areas" means areas designated as frequently flooded areas or *geologically hazardous*
3 *areas* due to potential for *erosion, landslide*, seismic activity, or other geological condition. [Ord.
4 11-0329 § 3 (Exh. 1).]

5 **18.20.1280 Hazardous household substance.**

6 "Hazardous household substance" means a substance as defined in RCW [70.105.010](#). [Ord. 11-
7 0329 § 3 (Exh. 1).]

8 **18.20.1290 Hazardous liquid and gas transmission pipelines.**

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

11 **18.20.1300 Hazardous substance.**

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

14 **18.20.1301 Headwater stream.**

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

18 **18.20.1302 Health care and social assistance.**

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

22 May include NAICS 62 (Health Care and Social Assistance), except the following: 621493
23 (Freestanding Ambulatory Surgical and Emergency Centers), 621511 (Medical Laboratories),
24 621910 (Ambulance Services), 622 (Hospitals), 623 (Nursing and Residential Care Facilities),
25 and 6244 (Child Day Care Services). May include 54194 (Veterinary Services). [Ord. 14-0391 § 2
26 (Exh. 1).]

27 **18.20.1305 Health services, miscellaneous.**

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

29 **18.20.1307 Hearing examiner.**

30 "Hearing examiner" means the hearing examiner as established by Chapter [19.30](#) KMC. [Ord.
31 11-0329 § 3 (Exh. 1).]

32 **18.20.1310 Heavy equipment and truck repair.**

33 "Heavy equipment and truck repair" means the repair and maintenance of self-powered, self-
34 propelled or towed mechanical devices, equipment and vehicles used for commercial purposes,
35 such as tandem axle trucks, graders, backhoes, tractor trailers, cranes, and lifts, but excluding

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 automobiles and pickup trucks under 10,000 pounds, *recreational vehicles*, boats and their
2 trailers. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1312 Habitat management.**

4 "Habitat management" means management of land to maintain species in suitable habitats
5 within their natural geographic distribution so that isolated subpopulations are not created. This
6 does not imply maintaining all habitat or individuals of all species in all cases. [Ord. 24-0624 § 4
7 (Exh. B).]

8 **18.20.1314 Habitats of local importance.**

9 "Habitats of local importance" includes seasonal range or habitat element with which a given
10 species has a primary association, and which, if altered, may reduce the likelihood that the
11 species will maintain and reproduce over time. These might include areas of high relative
12 density or species richness, breeding habitats, winter range, and movement corridors. These
13 might also include habitats that are of limited availability or high vulnerability to alterations,
14 such as cliffs, talus, and wetlands. [Ord. 24-0624 § 4 (Exh. B).]

15 **18.20.1320 Helistop.**

16 "Helistop" means an area on a roof or on the ground used for the takeoff and landing of
17 helicopters for the purpose of loading or unloading passengers or cargo but not including
18 fueling service, hangars, maintenance or overhaul facilities. [Ord. 11-0329 § 3 (Exh. 1).]

19 **18.20.1330 Historic resource.**

20 "Historic resource" means a district, site, *building, structure* or object significant in national,
21 State or local history, architecture, archaeology, and culture. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.1340 Historic structure.**

23 "Historic structure" means any structure that is:

24 A. Listed individually in the National Register of Historic Places (a listing maintained by the
25 Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting
26 the requirements for individual listing on the National Register;

27 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the
28 historical significance of a registered historic district or a district preliminarily determined by the
29 Secretary to qualify as a registered historic district;

30 C. Individually listed on a state inventory of historic places in states with historic preservation
31 programs which have been approved by the Secretary of Interior; or

32 D. Individually listed on a local inventory of historic places in communities with historic
33 preservation programs that have been certified either:

34 1. By an approved state program as determined by the Secretary of the Interior; or

35 2. Directly by the Secretary of the Interior in states without approved programs. [Ord. 19-0488
36 § 4 (Exh. 2).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.1350 Hobby, toy, game shop.**

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

3 **18.20.1360 Home industry.**

4 "Home industry" means a limited-scale sales, service or fabrication activity undertaken for
5 financial gain, which occurs in a *dwelling unit* or residential accessory *building*, or in a barn or
6 other resource accessory *building* and is subordinate to the primary use of the *site* as a
7 residence. [Ord. 11-0329 § 3 (Exh. 1).]

8 **18.20.1370 Home occupation.**

9 "Home occupation" means a limited-scale service or fabrication activity undertaken for financial
10 gain, which occurs in a *dwelling unit* or accessory *building* and is subordinate to the
11 primary use of the *site* as a residence. [Ord. 11-0329 § 3 (Exh. 1).]

12 **18.20.1372 Hospital.**

13 "Hospital" means an establishment with medical staff primarily engaged in providing inpatient
14 medical, diagnostic and treatment services and/or emergency care services. Hospitals may
15 also provide outpatient services as a secondary activity.

16 May include NAICS 622 (Hospitals), including 622210 (Psychiatric and Substance Abuse
17 Hospitals). [Ord. 14-0391 § 2 (Exh. 1).]

18 **18.20.1375 Hotel.**

19 "Hotel" means a *building* or portion thereof designed or used for transient rental for sleeping
20 purposes. Hotel *structures* are at least two stories in height, with lodging space above the first
21 floor. Lodging space may also be located on the first floor. Individual rooms are typically
22 accessed from a common hallway. A central *kitchen* and dining room and accessory shops and
23 services catering to the general public may be provided. Not included in this definition
24 are *townhouses*, *apartments*, bed and breakfasts, or *motels*. [Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.1380 Household pets.**

26 "Household pets" means small animals that are kept within a *dwelling unit*. [Ord. 11-0329 § 3
27 (Exh. 1).]

28 **18.20.1381 Human-scaled elements.**

29 "Human-scaled elements" means the perceived size of a *building* or space relative to the human
30 body. Human-scaled elements such as doors, windows, bays, etc., have dimensions and
31 proportions which respond to the size of a human body. [Ord. 11-0329 § 3 (Exh. 1).]

32 **18.20.1382 Hydraulic project approval (HPA).**

33 "Hydraulic project approval (HPA)" means a permit issued by the Washington State Department
34 of Fish and Wildlife for modifications to waters of the State in accordance with
35 Chapter [75.20](#) RCW. [Ord. 11-0329 § 3 (Exh. 1).]

36 **18.20.1390 Hydroelectric generation facility.**

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Hydroelectric generation facility" means an establishment for the generation of electricity
2 using water sources. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1400 Impervious surface.**

4 "Impervious surface" means a nonvegetated surface that either prevents or retards the entry of
5 water into the soil mantle as under natural conditions prior to *development*, and/or that causes
6 water to run off the surface in greater quantities or at an increased rate of flow from the flow
7 present under natural conditions prior to *development*. Common *impervious surfaces* include,
8 but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas
9 which are paved, graveled or made of packed or oiled earthen materials or other surfaces which
10 similarly impede the natural infiltration of surface and stormwater. Impervious surface shall not
11 include areas of turf, landscaping, or natural vegetation. Open uncovered flow control or water
12 quality treatment facilities shall not be considered as *impervious surfaces* under this title, but
13 shall be considered *impervious surfaces* for the purposes of runoff modeling. [Ord. 16-0428 § 13
14 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.1420 Individual transportation and taxi.**

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

17 **18.20.1430 Infiltration rate.**

18 "Infiltration rate" means the rate of water entry into the soil expressed in inches per hour. [Ord.
19 11-0329 § 3 (Exh. 1).]

20 **18.20.1435 In-kind.**

21 "In-kind" means to replace *critical areas* with substitute areas whose characteristics and
22 functions closely approximate those destroyed or degraded by a regulated activity. [Ord. 11-
23 0329 § 3 (Exh. 1).]

24 **18.20.1437 Intentionally created stream.**

25 "Intentionally created stream" means streams created through purposeful human action, such
26 as irrigation and drainage ditches, grass-lined swales, and canals. [Ord. 24-0624 § 4 (Exh. B).]

27 **18.20.1438 Intermittent stream.**

28 "Intermittent stream" means a stream that flows only part of the year after precipitation events
29 and receives some water during that time from groundwater sources. [Ord. 24-0624 § 4 (Exh.
30 B).]

31 **18.20.1440 Interim recycling facility.**

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

33 **18.20.1470 Jail.**

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

35 **18.20.1480 Jail farm.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

2 **18.20.1490 Jewelry store.**

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

4 **18.20.1500 Joint use driveway.**

5 "Joint use driveway" means a jointly owned and/or maintained vehicular access to two
6 residential properties. [Ord. 11-0329 § 3 (Exh. 1).]

7 **18.20.1510 Kennel.**

8 "Kennel" means a place where adult dogs are temporarily boarded for compensation, whether or
9 not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age
10 of six months. [Ord. 11-0329 § 3 (Exh. 1).]

11 **18.20.1520 Kitchen or kitchen facility.**

12 "Kitchen or kitchen facility" means an area within a *building* intended for the preparation and
13 storage of food and containing:

14 A. An appliance for the refrigeration of food;

15 B. An appliance for the cooking or heating of food; and

16 C. A sink. [Ord. 11-0329 § 3 (Exh. 1).]

17 **18.20.1525 Laboratory.**

18 "Laboratory" means a standalone facility subject to biosafety or hazardous materials
19 containment procedures in which research and experiments leading to the development of new
20 products are conducted. This use may be associated with an institutional, clinical or
21 commercial use.

22 May include NAICS 54138 (Testing Laboratories) and 621511 (Medical Laboratories). [Ord. 14-
23 0391 § 2 (Exh. 1).]

24 **18.20.1530 Landfill.**

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

26 **18.20.1540 Landscape water features.**

27 "Landscape water features" means a pond, pool or fountain used as a decorative component of
28 a *development*. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.1550 Landscaping.**

30 "Landscaping" means live vegetative materials required for a *development*. Said materials
31 provided along the boundaries of a *development site* are referred to as perimeter landscaping.
32 [Ord. 11-0329 § 3 (Exh. 1).]

33 **18.20.1560 Landslide.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Landslide" means episodic downslope movement of a mass including, but not limited to, soil,
2 rock or snow. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1570 Landslide hazard areas.**

4 "Landslide hazard areas" means areas at risk of mass movement resulting from a combination
5 of geologic, topographic, and hydrologic factors including: bedrock, soil, slope gradient, slope
6 aspect, geologic structure, groundwater, or other factors. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-
7 0329 § 3 (Exh. 1).]

8 **18.20.1572 Large woody debris (LWD).**

9 "Large woody debris (LWD)" means dead woody material (i.e., fallen trees and branches) in
10 various stages of decomposition that has fallen into a stream or has been placed in a stream,
11 stabilizes the streambed, and provides habitat for fish and aquatic insects. "LWD" includes any
12 piece of wood that is at least four inches (10 centimeters) in diameter (midpoint) and is at least
13 six feet (two meters) in length. [Ord. 24-0624 § 4 (Exh. B).]

14 **18.20.1575 Lattice tower.**

15 "Lattice tower" means a *tower* consisting of a self-supporting, multiple-sided, open steel frame
16 structure without guy wires and ground anchors. [Ord. 16-0426 § 4 (Att. B); Ord. 11-0329 § 3
17 (Exh. 1).]

18 **18.20.1580 Level of service (LOS).**

19 "Level of service (LOS)" means a measure of transportation system performance or
20 completeness (by mode of travel) determined in accordance with Chapter [12.80](#) KMC. [Ord. 16-
21 0420 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.1590 Light equipment.**

23 "Light equipment" means hand-held tools and construction equipment, such as chain saws,
24 wheelbarrows and post-hole diggers. [Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.1600 Livestock.**

26 "Livestock" means grazing animals kept either in open fields or *structures* for training, boarding,
27 home use, sales, or breeding and production, including but not limited to:

28 A. Cattle;

29 B. Riding and draft horses;

30 C. Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the
31 shoulder which are kept as *household pets* or *small animals*;

32 D. Sheep; and

33 E. Goats. [Ord. 11-0329 § 3 (Exh. 1).]

34 **18.20.1610 Livestock, large.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Large livestock" means cattle, horses, and other *livestock* generally weighing over 500 pounds.
2 [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1620 Livestock, small.**

4 "Small livestock" means hogs, excluding pigs weighing under 120 pounds and standing 20
5 inches or less at the shoulder which are kept as *household pets* or *small animals*, sheep, goats,
6 miniature horses, llamas, alpacas and other *livestock* generally weighing under 500 pounds.
7 [Ord. 11-0329 § 3 (Exh. 1).]

8 **18.20.1630 Livestock sales.**

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

10 **18.20.1640 Loading space.**

11 "Loading space" means a space for the temporary parking of a vehicle while loading or
12 unloading cargo or passengers. [Ord. 11-0329 § 3 (Exh. 1).]

13 **18.20.1650 Log storage.**

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

15 **18.20.1660 Lot.**

16 "Lot" means a physically separate and distinct parcel of property, which has been created
17 pursuant to KMC Title [17](#), Land Division. [Ord. 11-0329 § 3 (Exh. 1).]

18 **18.20.1661 Lot, parent.**

19 "Parent lot" means the initial lot from which unit lots are subdivided pursuant to KMC 17.20.160.

20 **18.20.1662 Lot, unit**

21 "Unit lot" means a lot created by the subdivision of a parent lot pursuant to KMC 17.20.160.

22 **18.20.1670 Lot line, interior.**

23 "Interior lot line" means lot lines that delineate property boundaries along those portions of the
24 property which do not abut a *street*. [Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.1671 Low impact development (LID).**

26 "Low impact development (LID)" means a stormwater management and land development
27 strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration,
28 storage, evaporation and transpiration by emphasizing conservation, use of on-site natural
29 features, site planning, and distributed stormwater management practices that are integrated
30 into a project design. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

31 **18.20.1673 Lowest floor.**

32 For purposes of flood hazard area regulations, "lowest floor" means the lowest floor of the
33 lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable
34 solely for parking of vehicles, building access or storage, in an area other than a basement area,

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article XIX of Chapter [18.55](#) KMC. [Ord. 19-0488 § 4 (Exh. 2).]

18.20.1675 Manufactured home.

"Manufactured home" is defined under WAC [296-150M-0020](#). The term "manufactured home" does not include a "*recreational vehicle*." [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1675.1 Manufactured housing community.

"Manufactured housing community" means a *development* with two or more improved pads or spaces designed to accommodate *mobile homes, manufactured homes, or designated manufactured homes*. [Ord. 19-0481 § 2 (Exh. A).]

18.20.1676 Manufacturing, heavy.

"Heavy manufacturing" means an establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products that is likely to generate levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, poisons, pesticides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Heavy manufacturing facilities use larger quantities of raw materials and may require significant outdoor storage. Examples include concrete manufacture, asphalt batch plants, mass production of commercial or recreational vehicles or large machinery, production of industrial organic and inorganic chemicals, animal slaughtering, and refining, extruding, rolling, or drawing of ferrous or nonferrous metals.

May include NAICS Sectors 31 – 33 (Manufacturing). Also may include NAICS 54171 (Research and Development in the Physical, Engineering and Life Sciences). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1677 Manufacturing, light.

"Light manufacturing" means an establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products that is of a lower intensity and cleaner than heavy manufacturing establishments. Light manufacturing facilities do not generate noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation, or other nuisances that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Light manufacturing facilities require only a small amount of raw materials, area and power to produce items of relatively high value per unit weight. Examples include manufacture of clothes, jewelry, food, blown glass, furniture, computer hardware and software, medical instrumentation, consumer electronics, and winery/brewery, as well as research and development facilities and biotechnology.

May include NAICS Sectors 31 – 33 (Manufacturing). Also may include NAICS 54171 (Research and Development in the Physical, Engineering and Life Sciences). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1678 Manufacturing land uses.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 For purposes of Chapters [18.35](#) and [18.40](#) KMC, “manufacturing land uses”
- 2 means *manufacturing, heavy; manufacturing, light; cannabis processor*; and tire retreading. [Ord.
- 3 24-0607 § 2 (Exh. A(III)); Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3
- 4 (Exh. 1). Formerly 18.20.1677]
- 5 **18.20.1679.1 Cannabis.**
- 6 “Cannabis” means cannabis as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2 (Exh. A(II)); Ord.
- 7 14-0384 § 4.]
- 8 **18.20.1679.2 Cannabis business.**
- 9 “Cannabis business” means a cannabis producer, cannabis processor, cannabis researcher, or
- 10 cannabis retailer. “Cannabis business” does not include a cannabis cooperative as defined in
- 11 KMC 18.20.1679.2.5. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 4.]
- 12 **18.20.1679.2.5 Cannabis cooperative.**
- 13 “Cannabis cooperative” means a cooperative of no more than four qualifying patients or
- 14 designated providers sharing responsibility for acquiring and supplying the resources needed to
- 15 produce and process cannabis only for the medical use of members of the cooperative, as
- 16 described under Chapter [69.51A](#) RCW. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2 (Att. A).]
- 17 **18.20.1679.3 Cannabis processor.**
- 18 “Cannabis processor” means a cannabis processor as defined in RCW [69.50.101](#). [Ord. 24-0607
- 19 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]
- 20 **18.20.1679.4 Cannabis producer.**
- 21 “Cannabis producer” means a cannabis producer as defined in RCW [69.50.101](#). [Ord. 24-0607
- 22 § 2 (Exh. A(II)); Ord. 14-0384 § 4.]
- 23 **18.20.1679.4.5 Cannabis researcher.**
- 24 “Cannabis researcher” means a person licensed by the Washington State Liquor and Cannabis
- 25 Board to produce, process, and possess cannabis for the purposes of conducting research on
- 26 cannabis and cannabis-derived drug products. [Ord. 24-0607 § 2 (Exh. A(II)); Ord. 16-0421 § 2
- 27 (Att. A).]
- 28 **18.20.1679.5 Cannabis retailer.**
- 29 “Cannabis retailer” means a cannabis retailer as defined in RCW [69.50.101](#). [Ord. 24-0607 § 2
- 30 (Exh. A(II)); Ord. 14-0384 § 4.]
- 31 **18.20.1680 Marina.**
- 32 “Marina” means an establishment providing docking, moorage space and related activities
- 33 limited to the provisioning or minor repair of pleasure boats and yachts; and accessory facilities
- 34 including, but not limited to:
- 35 A. Showers;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 B. Toilets; and

2 C. Self-service laundries. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1683 Mass wasting.**

4 "Mass wasting" means the spontaneous downhill movement of soil and/or rock under the
5 influence of gravity. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.1685 Master plan.**

7 A "master plan" consists of a narrative description and map conceptually describing long-term
8 land uses, circulation and infrastructure, *open space*, and development phasing for an area or
9 property to guide future *development*. [Ord. 11-0329 § 3 (Exh. 1).]

10 **18.20.1690 Median income.**

11 "King County median income" means the median family income for the Seattle-Bellevue, WA
12 HUD Metro FMR Area as most recently determined by the Secretary of Housing and Urban
13 Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if
14 programs under said Section 8(f)(3) are terminated, median family income is determined under
15 the method used by the Secretary prior to such termination. In the event that HUD no longer
16 publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area or
17 King County, the *City* may use any other method for determining the King County median
18 income, adjusted for household size. [Ord. 19-0481 § 2 (Exh. A).]

19 **18.20.1695 Medical/dental office/outpatient clinic.**

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

21 **18.20.1700 Microwave.**

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

23 **18.20.1705 Miscellaneous repair.**

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

25 **18.20.1710 Mitigation.**

26 "Mitigation" means the use of any or all of the following actions listed in descending order of
27 preference:

28 A. Avoiding the impact by not taking a certain action;

29 B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate
30 technology or by taking affirmative steps to avoid or reduce the impact;

31 C. Rectifying the impact by repairing, rehabilitating or restoring the affected *critical*
32 *area* or *buffer*;

33 D. Reducing or eliminating the impact over time by preservation or maintenance operations
34 during the life of the *development proposal*;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

E. Compensating for the impact by replacing, enhancing or providing substitute *critical areas* and environments; and

F. Monitoring the impact and taking appropriate corrective measures. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1720 Mitigation bank.

"Mitigation bank" means a property that has been protected in perpetuity, and approved by appropriate county, State and federal agencies expressly for the purpose of providing compensatory *mitigation* in advance of authorized impacts through *restoration*, creation, and/or *enhancement* of *wetlands*, and, in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1730 Mitigation banking.

"Mitigation banking" means a system for providing compensatory *mitigation* in advance of authorized *wetland* impacts of *development* in the *City* in which credits are generated through *restoration*, creation, and/or *enhancement* of *wetlands*, and, in exceptional circumstances, preservation of adjacent *wetlands*, *wetland buffers*, and/or other aquatic resources. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1740 Mixed use development.

"Mixed use development" means a combination of residential and nonresidential *uses* within the same *building* or *site* as part of an integrated *development* project with functional interrelationships and coherent physical design. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1745 Mobile food vendor.

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

18.20.1747 Mobile food service.

"Mobile food service" means an establishment engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts.

May include NAICS Sector 72233 (Mobile Food Services). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.1750 Mobile home.

"Mobile home" is defined under WAC [296-150M-0020](#). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1760 Mobile home park.

Repealed by Ord. 19-0481. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1761 Mobility unit.

A "mobility unit" means one PM peak hour person trip end. Each person trip has two trip ends, one each at the origin and destination. [Ord. 16-0420 § 4 (Exh. 2).]

18.20.1762 Modification.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

2 **18.20.1765 Modulation.**

3 “Modulation” means variations in a *building facade* through the use of setbacks, upper level
4 stepbacks, and/or projections from the *building* which serve to break up the apparent mass and
5 bulk of a *building*. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.1770 Monitoring.**

7 For purposes of Chapter [18.55](#) KMC, “monitoring” means evaluating the impacts of *development*
8 *proposals* on the biological, hydrological, and geological elements of *critical areas* and
9 assessing the performance of required *mitigation* measures throughout the collection and
10 analysis of data by various methods. Monitoring serves the purpose of understanding and
11 documenting changes in natural ecosystems and features, and includes gathering baseline
12 data. [Ord. 11-0329 § 3 (Exh. 1).]

13 **18.20.1775 Monopole tower.**

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

15 **18.20.1785 Motel.**

16 “Motel” means a *building* or group of detached or connected *buildings* designed or used
17 primarily for providing sleeping accommodations for automobile travelers and typically having
18 a *parking space* adjacent to a sleeping accommodation. This definition
19 excludes *townhouses, apartments, bed and breakfast guesthouses, and hotels*. [Ord. 11-0329 § 3
20 (Exh. 1).]

21 **18.20.1790 Motor vehicle and boat dealers.**

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

23 **18.20.1800 Motor vehicle and bicycle manufacturing.**

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

25 **18.20.1810 Mulch.**

26 “Mulch” means any material such as leaves, bark, or straw left loose and applied to the soil
27 surface to reduce evaporation. [Ord. 11-0329 § 3 (Exh. 1).]

28 **18.20.1820 Municipal water production.**

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

30 **18.20.1830 Native vegetation.**

31 “Native vegetation” means *vegetation* comprised of plant species, other than *noxious weeds*,
32 which are indigenous to the coastal region of the Pacific Northwest and which reasonably could
33 have been expected to naturally occur on the *site*. [Ord. 11-0329 § 3 (Exh. 1).]

34 **18.20.1835 Natural waters.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Natural waters" means all surface waters of the State, only excluding water conveyance
2 systems which are artificially constructed and actively maintained for irrigation. [Ord. 19-0488
3 § 4 (Exh. 2).]

4 **18.20.1840 Negative externality.**

5 "Negative externality" means a cost, burden, or undesirable physical impact on persons or
6 property outside the property from which the negative externality is generated. Negative
7 externalities shall include, without limitation, noise, odors, pollution, dust, fumes, vibration, and
8 hazardous substances. [Ord. 14-0391 § 2 (Exh. 1).]

9 **18.20.1850 Net buildable area.**

10 "Net buildable area" means the "site area" less the following areas:

11 A. Areas within or on the perimeter of a project *site* which are required to be dedicated for public
12 rights-of-way;

13 B. *Critical areas* and their *buffers* to the extent they are required by the *City* to remain
14 undeveloped;

15 C. Areas required for stormwater control facilities other than facilities which are completely
16 underground, including, but not limited to, retention/detention ponds, biofiltration swales and
17 setbacks from such ponds and swales;

18 D. Areas required by the *City* to be dedicated or reserved as on-site recreation areas;

19 E. *Regional utility corridors*;

20 F. Other areas, excluding *setbacks*, required by the *City* to remain undeveloped. [Ord. 11-0329
21 § 3 (Exh. 1).]

22 **18.20.1860 Nonconformance.**

23 "Nonconformance" means any *use*, improvement or *structure* established in conformance with
24 the *City* rules and regulations in effect at the time of establishment that no longer conforms to
25 the range of *uses* permitted in the *site's* current zone or to the current development standards of
26 the code due to changes in the code or its application to the subject property. [Ord. 11-0329 § 3
27 (Exh. 1).]

28 **18.20.1870 Nonhydroelectric generation facility.**

29 "Nonhydroelectric generation facility" means an establishment for the generation of electricity
30 by nuclear reaction, burning fossil fuels, or other electricity generation methods. [Ord. 11-0329
31 § 3 (Exh. 1).]

32 **18.20.1875 Nonindigenous.**

33 "Nonindigenous" means any species of plants or animals not native to the Puget Sound region.
34 [Ord. 11-0329 § 3 (Exh. 1).]

35 **18.20.1880 Nonionizing electromagnetic radiation (NIER).**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Nonionizing electromagnetic radiation (NIER)" means electromagnetic radiation of low photon
2 energy unable to cause ionization. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.1890 Noxious weed.**

4 "Noxious weed" means any plant which is highly destructive, competitive or difficult to control
5 by cultural or chemical practices, limited to those plants on the State noxious weed list
6 contained in Chapter [16-750 WAC](#). [Ord. 11-0329 § 3 (Exh. 1).]

7 **18.20.1900 Off-street required parking lot.**

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

9 **18.20.1905 Office.**

10 "Office" means a place of employment for professional or administrative staff which does not
11 include outside storage, or fabrication or on-site sale or transfer of commodities. Types of
12 offices include, but are not limited to, accounting; architectural; engineering; banking;
13 consulting; management; administrative; secretarial; marketing or advertising; personnel; sales
14 offices where no inventories or goods are available on the premises; real estate; insurance;
15 travel agent; brokerage; computer programming; or other similar services. Office does not
16 include medical offices which are classified as a health care and social assistance land use.

17 May include NAICS Sector 51 (Information), except the following: 512 (Motion Picture and
18 Sound Recording Industries), 515 (Broadcasting), 517 (Telecommunications), 518 (Data
19 Processing, Hosting and Related Services), and 51912 (Libraries and Archives). May include
20 Sectors 52 (Finance and Insurance) and 53 (Real Estate Rental and Leasing), except the
21 following: 53113 (Lessors of Miniwarehouses and Self-Storage Units), 5321 (Automotive
22 Equipment Rental and Leasing), 5322 (Consumer Goods Rental), 5323 (General Rental Centers),
23 and 5324 (Commercial and Industrial Machinery and Equipment Rental and Leasing). May
24 include Sector 54 (Professional, Scientific and Technical Services), except the following: 54135
25 (Building Inspection Services), 54138 (Testing Laboratories), 54171 (Research and
26 Development in the Physical, Engineering and Life Sciences), 54186 (Direct Mail Advertising),
27 54192 (Photographic Services), and 54194 (Veterinary Services). May include Sector 55
28 (Management of Companies and Enterprises) and 56151 (Travel Agencies). May include 8132
29 (Grantmaking and Giving Services), 8133 (Social Advocacy Organizations), 8139 (Business,
30 Professional, Labor, Political, and Similar Organizations), and Sector 92 (Public Administration),
31 except the following: 92212 (Police Protection), 92214 (Correctional Institutions), 92215 (Parole
32 Offices and Probation Offices), and 92216 (Fire Protection). [Ord. 14-0391 § 2 (Exh. 1).]

33 **18.20.1910 Open space.**

34 "Open space" means areas left predominately in a natural state to create urban separators and
35 greenbelts, sustain native ecosystems, connect and increase protective *buffers* for *critical areas*,
36 provide a visual contrast to continuous *development*, reinforce community identity and
37 aesthetics, or provide links between important environmental or recreational resources. [Ord.
38 11-0329 § 3 (Exh. 1).]

39 **18.20.1920 Open-work fence.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

“Open-work fence” means a *fence* in which the solid portions are evenly distributed and constitute no more than 50 percent of the total surface area. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1930 Ordinary high water mark.

“Ordinary high water mark” means the mark found by examining the bed and banks of a *stream* or lake and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1940 Outdoor performance center.

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

18.20.1945 Outdoor retail display/sidewalk sale.

“Outdoor retail display/sidewalk sale” means exhibit of goods which are directly accessible to the public for retail sale. These display areas are accessory to the principal indoor retail use. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.1960 Park.

“Park” means a *site* designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

1. Gymnasiums;
2. Swimming pools; or
3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;
2. Fishing areas;
3. Picnic and related outdoor activity areas;

C. Areas and *trails* for:

1. Hikers;
2. Equestrians;
3. Bicyclists;

D. Areas provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 E. Facilities for on-site maintenance. [Ord. 18-0463 § 3 (Exh. 2); Ord. 14-0391 § 2 (Exh. 1); Ord.
2 11-0329 § 3 (Exh. 1).]

3 **18.20.1995 Parking management plan.**

4 “Parking management plan” means a plan developed by a property owner or applicant that
5 clearly identifies the short- and long-term parking management methods used to ensure that on-
6 site parking provided on a property is adequate to meet anticipated parking demands. Parking
7 management methods can include but are not limited to transportation demand methods that
8 include on-site parking enforcement, signage, and parking fees. [Ord. 15-0406 § 1 (Att. A).]

9 **18.20.2000 Parking space.**

10 “Parking space” means an area accessible to vehicles, improved, maintained and used for the
11 sole purpose of parking a motor vehicle. [Ord. 11-0329 § 3 (Exh. 1).]

12 **18.20.2030 Peak hour.**

13 “Peak hour” means the hour during the morning or afternoon when the most critical *level of*
14 *service* occurs for a particular roadway or intersection. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.2035 Pedestrian walkway.**

16 “Pedestrian walkway” means a public walkway that connects public *streets* to other *streets*,
17 walkways, *public spaces*, or drives. Public walkways should be lit for nighttime use and be
18 aligned for maximum nighttime visibility. [Ord. 11-0329 § 3 (Exh. 1).]

19 **18.20.2040 Permanent school facilities.**

20 “Permanent school facilities” means facilities of a *school district* with a fixed foundation which
21 are not *relocatable facilities*. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.2050 Personal medical supply store.**

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

24 **18.20.2055 Personal service.**

25 “Personal service” means an establishment primarily engaged in providing services to
26 individuals, such as beauty and barber shops, retail laundry and drycleaning including coin-
27 operated, clothing alterations and repair, diaper services, carpet and upholstery cleaning
28 services, photo studios, shoe repair, pet grooming, and repair of personal or household items.
29 This definition excludes automotive repair and service.

30 May include NAICS 5322 (Consumer Goods Rental), 5323 (General Rental Center), 541921
31 (Photo Studios), 811211 (Consumer Electronics Repair and Maintenance), and 8114 (Personal
32 and Household Goods Repair and Maintenance). May include 812 (Personal and Laundry
33 Services) except the following: 8122 (Death Care Services), 812332 (Industrial Launderers), and
34 81293 (Parking Lots and Garages). [Ord. 14-0391 § 2 (Exh. 1).]

35 **18.20.2060 Pet shop.**

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

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.2070 Photographic and electronic shop.**

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

3 **18.20.2102 Practical alternative.**

4 “Practical alternative” means an alternative that is available and capable of being carried out
5 after taking into consideration effectiveness, engineering feasibility, cost, safety, existing
6 technology, and logistics in light of overall project needs, purposes and objectives, and has less
7 impacts to *critical areas*. For example, a practical alternative to a proposal to place a sidewalk
8 through a *wetland* might be to place an elevated boardwalk through the *wetland*. [Ord. 19-0488
9 § 4 (Exh. 2); Ord. 11-0329 § 3 (Exh. 1).]

10 **18.20.2104 Priority habitat/species or priority wildlife habitat/species.**

11 “Priority habitat/species” or “priority wildlife habitat/species” means a habitat type of elements
12 with unique significant value to one or more *species* or habitats of local importance and
13 concern in urban areas as classified by the Washington State Department of Fish and Wildlife
14 Priority Habitat and Species (PHS) program. “Priority species” are wildlife species of concern
15 due to their population status and their sensitivity to habitat alteration. “Priority habitats” are
16 areas with one or more of the following attributes: comparatively high wildlife density, high
17 wildlife species richness, significant wildlife breeding habitat, significant wildlife seasonal
18 ranges, significant movement corridors for wildlife, limited availability, or high vulnerability.
19 General types of priority habitat identified in the PHS program potentially found in Kenmore
20 include meadows, oak woodlands, old-growth/mature forests, riparian areas, snag-rich areas,
21 urban natural open space, and wetlands. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.2110 Private.**

23 “Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a
24 noncommercial garage used solely by residents or their guests is a private garage. [Ord. 11-
25 0329 § 3 (Exh. 1).]

26 **18.20.2120 Private stormwater management facility.**

27 “Private stormwater management facility” means a surface water control *structure* installed by a
28 project proponent to retain, detain or otherwise limit runoff from an individual or group of
29 developed sites specifically served by such *structure*. [Ord. 11-0329 § 3 (Exh. 1).]

30 **18.20.2130 Professional office.**

31 “Professional office” means an office used as a place of business by licensed professionals, or
32 persons in other generally recognized professions, which use training or knowledge of a
33 technical, scientific or other academic discipline as opposed to manual skills, and which does
34 not involve outside storage or fabrication, or on-site sale or transfer of commodities. [Ord. 11-
35 0329 § 3 (Exh. 1).]

36 **18.20.2135 Pro shop.**

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.2140 Public agency.**

2 "Public agency" means any agency, political subdivision or unit of government including, but not
3 limited to, municipal corporations, special purpose districts and local service districts, any
4 agency of the State of Washington, the United States or any state thereof or any Indian tribe
5 recognized as such by the federal government. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.2150 Public agency animal control facility.**

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

8 **18.20.2160 Public agency archive.**

9 "Public agency archive" means a facility for the enclosed storage of *public agency* documents or
10 related materials, excluding storage of vehicles, equipment, or similar materials. [Ord. 11-0329
11 § 3 (Exh. 1).]

12 **18.20.2170 Public agency or utility office.**

13 "Public agency or utility office" means an office for the administration of any governmental or
14 utility activity or program, with no *outdoor storage*. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.2180 Public agency or utility yard.**

16 "Public agency or utility yard" means a facility for open or enclosed storage, repair, and
17 maintenance of vehicles, equipment, or related materials, excluding document storage. [Ord. 11-
18 0329 § 3 (Exh. 1).]

19 **18.20.2190 Public agency training facility.**

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

21 **18.20.2195 Public space/public open space.**

22 "Public space/public open space" means an open space or plaza in an area between
23 a *building* and a *street* or *pedestrian walkway* where people gather or sit. Public spaces are open
24 for public use during the daytime and evening and are visible from adjacent *streets*. Public
25 spaces contain site furnishings, artwork, landscaping, pedestrian lighting, and other amenities
26 which make the space comfortable and inviting. Public spaces may be government owned or
27 dedicated property or areas open to all persons by design or intent. [Ord. 11-0329 § 3 (Exh. 1).]

28 **18.20.2202 Public view.**

29 "Public view" means areas which are visible from adjacent public *streets*, walkways, or *public*
30 *spaces*. [Ord. 11-0329 § 3 (Exh. 1).]

31 **18.20.2205 Qualified professional.**

32 "Qualified professional" means a person with experience and training in the pertinent scientific
33 discipline, and who is a qualified scientific expert with expertise appropriate for the
34 relevant *critical area* subject in accordance with WAC [365-195-905](#)(4). A qualified professional
35 must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

studies, fisheries, geology, hydrogeology, geomorphology, or a related field, and have two years of related work experience.

A. A qualified professional for habitats or *wetlands* must have a degree in biology and professional experience related to the subject *species*;

B. A qualified professional for a geological hazard must be a professional engineer or *geologist* licensed in the state of Washington. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2207 Qualified tree protection professional.

“Qualified tree protection professional” means a licensed professional with academic and/or field experience that makes her or him a recognized expert in *tree* preservation and management. The tree protection professional shall be an arborist certified by the International Society of Arboriculture or be an arborist registered with the American Society of Consulting Arborists, and shall have specific experience with *tree* management in the State of Washington. A qualified tree protection professional must possess the ability to evaluate the health and hazard potential of existing *trees*, and the ability to prescribe appropriate measures necessary for the preservation of *trees* during *development*. [Ord. 15-0409 § 1 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2208 Quality habitat areas.

“Quality habitat areas” means areas that provide significant wildlife value by virtue of their characteristics. These characteristics include several parameters indicative of quality habitat, including size, community diversity, interspersions (spatial patterns), continuity, forest vegetation layers, forest age, and lack of invasive plants. Also referred to as a “primary habitat.” [Ord. 24-0624 § 4 (Exh. B).]

18.20.2210 Radio frequency.

“Radio frequency” means the number of times the current from a given source of *nonionizing electromagnetic radiation* changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2220 Reasonable use.

“Reasonable use” means a legal concept articulated by federal and State courts in regulatory taking cases. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2230 Receiving site.

“Receiving site” means land for which allowable residential density is increased over the base density permitted by the underlying zone, by virtue of permanently securing and dedicating to the *City*, or another qualifying agency, the development potential of an associated *sending site*. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2231 Reclassification.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Reclassification" means a change in the zone classification on the zoning map pursuant to a
2 Type 4 land use permit decision, where the reclassification is not related to a comprehensive
3 plan land use map amendment. [Ord. 11-0329 § 3 (Exh. 1).]

4 **18.20.2232 Reconstruction.**

5 "Reconstruction" means to build, repair, or restore a structure to its original form after it has
6 been damaged or destroyed. [Ord. 24-0624 § 4 (Exh. B).]

7 **18.20.2233 Recreational/cultural land uses.**

8 For purposes of Chapters [18.35](#) and [18.40](#) KMC, "recreational/cultural land uses" means adult
9 entertainment business, arts, entertainment, indoor; arts, entertainment, outdoor; park;
10 recreational facility, indoor; recreational facility, outdoor; and trail. [Ord. 24-0624 § 4 (Exh. B);
11 Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1). Formerly 18.20.2232.]

12 **18.20.2234 Recreational facility, indoor.**

13 "Indoor recreational facility" means an establishment that provides facilities or services for
14 recreational uses inside a building. Indoor recreational facility includes such uses as
15 clubhouses, gyms, indoor swimming pools, and fitness and bowling centers.

16 May include NAICS 61162 (Sports and Recreation Instruction), 711211 (Sports Teams and
17 Clubs), 71312 (Amusement Arcades), and 7139 (Other Amusement and Recreation Industries).
18 [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

19 **18.20.2237 Recreational facility, outdoor.**

20 "Outdoor recreational facility" means an establishment that provides facilities or services for
21 recreational uses outside a building. Outdoor recreational facility includes such uses as outdoor
22 tennis courts, outdoor swimming pools, batting cages, miniature golf courses, golf driving
23 ranges, marinas, boat launches, campgrounds, and RV parks.

24 May include NAICS 61162 (Sports and Recreation Instruction), 711211 (Sports Teams and
25 Clubs), 7139 (Other Amusement and Recreation Industries), and 7212 (RV/Recreational Vehicle
26 Parks and Recreational Camps). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

27 **18.20.2240 Recreational vehicle (RV).**

28 "Recreational vehicle (RV)" means a vehicle designed primarily for recreational camping, travel
29 or seasonal use which has its own motive power or is mounted on or towed by another vehicle,
30 including but not limited to:

- 31 A. Travel trailer;
32 B. Folding camping trailer;
33 C. Park trailer;
34 D. Truck camper;
35 E. Park trailer;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

F. Motor home; and

G. Multi-use vehicle. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2250 Recreational vehicle parks.

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

18.20.2260 Recyclable material.

“Recyclable material” means a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2265 Regional land use.

“Regional land use” means an airport, ferry terminal, park and ride lot, transfer station, racetrack, stadium/arena, or other land use of a regional nature that may be difficult to site. Regional land use includes essential public facilities, as defined in RCW [36.70A.200](#), if not otherwise defined in this title.

May include NAICS Sector 22 (Utilities), 411 (Air Transportation), and 4881 (Support Activities for Air Transportation). May include 562 (Waste Management Remediation Service) except 56299 (All Other Waste Management Services). May include 7112 (Spectator Sports) except 711211 (Sports Teams and Clubs). May include 713110 (Amusement and Theme Parks) and 71391 (Golf Courses and Country Clubs). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.2275 Regional land uses.

For purposes of Chapter [18.40](#) KMC, “regional land uses” means *college/university; conference center; hydroelectric generation facility; nonhydroelectric generation facility; regional land use; resource land use; secure facility; transit bus base; school bus base; and wireless communication facility.* [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.20.2280 Regional stormwater management facility.

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

18.20.2290 Regional utility corridor.

“Regional utility corridor” means a right-of-way tract or easement other than a *street* right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual *lots* or *developments* are not regional utility corridors. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.2292 Rehabilitation.

“Rehabilitation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded critical area. Rehabilitation is a type of restoration. For wetlands, rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain. [Ord. 24-0624 § 4 (Exh. B).]

18.20.2295 Religious institution.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Religious institution" means a place where religious services are conducted,
2 including *accessory uses* in the primary or accessory buildings such as religious education,
3 reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not
4 include facilities for training of religious orders.

5 May include NAICS 8131 (Religious Organizations). [Ord. 14-0391 § 2 (Exh. 1).]

6 **18.20.2310 Relocatable facility.**

7 "Relocatable facility" means any factory-built *structure*, transportable in one or more sections,
8 that is designed to be used as an education space and is needed to prevent the overbuilding of
9 school facilities, to meet the needs of service areas within a district or to cover the gap between
10 the time that families move into new residential *developments* and the date that construction is
11 completed on *permanent school facilities*. [Ord. 11-0329 § 3 (Exh. 1).]

12 **18.20.2320 Relocation facilities.**

13 "Relocation facilities" means housing units within the *City* that provide housing to persons who
14 have been involuntarily displaced from other housing units within the *City* as a result of
15 conversion of their housing unit to other land uses. [Ord. 11-0329 § 3 (Exh. 1).]

16 **18.20.2325 Residential land uses.**

17 For purposes of Chapters [18.35](#) and [18.40](#) KMC, "residential land uses" means *community*
18 *residential facility*; *family child-care home*; *manufactured home*; *mobile home*; *manufactured*
19 *housing community*; *multiple-family dwelling*; *single detached dwelling unit*; *supportive living*
20 *facility*; and *temporary lodging*. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329
21 § 3 (Exh. 1).]

22 **18.20.2326 Resource land use.**

23 "Resource land use" means a production use on agricultural, forest, aquatic, or mineral lands,
24 including farming, timber production, and mining.

25 May include NAICS Sectors 11 (Agriculture, Forestry, Fishing and Hunting) and 21 (Mining).
26 [Ord. 14-0391 § 2 (Exh. 1).]

27 **18.20.2327 Resource land uses.**

28 For purposes of Chapter [18.40](#) KMC, "resource land uses" means *resource land*
29 *use* and *cannabis producer*. [Ord. 24-0607 § 2 (Exh. A(III)); Ord. 17-0438 § 2 (Att. A); Ord. 11-
30 0329 § 3 (Exh. 1).]

31 **18.20.2330 Restoration.**

32 "Restoration" means measures taken to restore an altered or damaged natural feature
33 including:

34 A. Active steps taken to restore damaged *wetlands*, *streams*, protected habitat, or
35 their *buffers* to the functioning condition that existed prior to an unauthorized *alteration*; and

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 B. Actions performed to reestablish structural and functional characteristics of the *critical*
2 *area* that have been lost by *alteration*, past management activities, or catastrophic events. [Ord.
3 11-0329 § 3 (Exh. 1).]

4 **18.20.2350 Retail, comparison.**

5 *Repealed by Ord. 14-0391.* [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.2362 Retail land uses.**

7 For purposes of Chapters [18.35](#) and [18.40](#) KMC, “retail land uses” means *auction house*;
8 *automotive sales*; *eating and drinking place*; *cannabis retailer*; *mobile food service*; *retail*
9 *sales*; *retail sales, bulk*; and *vehicle refueling station*. [Ord. 24-0607 § 2 (Exh. A(IV)); Ord. 17-0438
10 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

11 **18.20.2364 Retail sales.**

12 “Retail sales” means an establishment within a permanent *structure* of less than 65,000 square
13 feet engaged in selling goods or merchandise to the general public for personal or household
14 consumption and rendering services incidental to the sale of such goods. This definition
15 excludes *auction houses*, *automotive sales and service*, sales of automotive parts if service,
16 repair or installation are provided on site, *bulk retail sales*, and *eating and drinking places*.

17 May include NAICS Sectors 44 – 45 (Retail Trade), except the following: 4411 (Automobile
18 Dealers), 4412 (Other Motor Vehicle Dealers), 44132 (Tire Dealers), 447 (Gasoline Stations),
19 45291 (Warehouse Clubs and Superstores), 45393 (Manufactured/Mobile Home Dealers), and
20 45431 (Fuel Dealers). [Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3
21 (Exh. 1).]

22 **18.20.2365 Retail sales, bulk.**

23 “Bulk retail sales” means a singular indoor “big box” retail business that occupies more than
24 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and
25 has a regional sales market. Bulk retail sales can include, but is not limited to, membership
26 warehouse clubs that emphasize bulk sales, discount stores and department stores.

27 May include NAICS 45291 (Warehouse Clubs and Superstores). [Ord. 14-0391 § 2 (Exh. 1).]

28 **18.20.2367 Retail sales, outdoor.**

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

30 **18.20.2370 Retaining wall.**

31 “Retaining wall” means any wall used to resist the lateral displacement of any material. [Ord. 11-
32 0329 § 3 (Exh. 1).]

33 **18.20.2375 Riparian stream corridor.**

34 “Riparian stream corridor” means areas adjacent to aquatic systems with flowing water that
35 contain both aquatic and terrestrial ecosystems that mutually influence each other. The width
36 of these areas extends to that portion of the terrestrial landscape that directly influences the

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and
2 inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be
3 measured from the *ordinary high water mark* or from the top of bank if the ordinary high water
4 mark cannot be identified. It includes the entire extent of the *floodplain* and the extent
5 of *vegetation* adapted to wet conditions as well as adjacent upland plant communities that
6 directly influence the aquatic system. Riparian habitat areas include those riparian areas
7 severely altered or damaged due to human development activities. [Ord. 24-0624 § 4 (Exh. B);
8 Ord. 11-0329 § 3 (Exh. 1).]

9 **18.20.2380 Riparian management zone (RMZ).**

10 "Riparian management zone (RMZ)" means an area often synonymous with riparian buffer. The
11 RMZ is the area that has the potential to provide full riparian functions. [Ord. 24-0624 § 4 (Exh.
12 B).]

13 **18.20.2385 Riparian zone.**

14 "Riparian zone" means the area of vegetation adjacent to a body of water that influences (and is
15 influenced by) the water; an area typically used by more species of wildlife than other land
16 areas. [Ord. 24-0624 § 4 (Exh. B).]

17 **18.20.2410 Salmonid.**

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

20 **18.20.2415 Satellite dish.**

21 "Satellite dish" means a type of antenna, typically in the shape of a shallow dish or cone, that
22 transmits to and/or receives signals from an orbiting satellite. [Ord. 16-0426 § 4 (Att. B).]

23 **18.20.2420 School bus base.**

24 "School bus base" means an establishment for the storage, dispatch, repair and maintenance of
25 coaches and other vehicles of a school transit system. [Ord. 11-0329 § 3 (Exh. 1).]

26 **18.20.2430 School district.**

27 "School district" means any school district in Kenmore. [Ord. 11-0329 § 3 (Exh. 1).]

28 **18.20.2440 School district support facility.**

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

30 **18.20.2450 Schools, elementary and middle/junior high.**

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

32 **18.20.2460 Schools, secondary or high school.**

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

34 **18.20.2461 Seasonal low flow and seasonal low water.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Seasonal low flow" and "seasonal low water" mean the conditions of the seven-day, two-year
2 low water situation, as measured or estimated by accepted hydrologic techniques. [Ord. 19-
3 0488 § 4 (Exh. 2).]

4 **18.20.2462 Section 404 permit.**

5 "Section 404 permit" means a permit issued by the Corps of Engineers for the placement of
6 dredge or fill material or *clearing* in waters of the U.S., including *wetlands*, in accordance
7 with [33](#) USC Section [1344](#). [Ord. 11-0329 § 3 (Exh. 1).]

8 **18.20.2465 Secure community transition facilities (SCTF).**

9 "Secure community transition facility (SCTF)" means a residential facility for persons civilly
10 committed and conditionally released to a less restrictive alternative under this chapter. A
11 secure community transition facility has supervision and security, and either provides or
12 ensures the provision of sex offender treatment services. Secure community transition facilities
13 include but are not limited to the facilities established pursuant to RCW [71.09.250](#) and any
14 community-based facilities established under this chapter and operated by the Secretary or
15 under contract with the Secretary. [Ord. 11-0329 § 3 (Exh. 1).]

16 **18.20.2468 Secure facility.**

17 "Secure facility" means a jail, prison, secure community transition facility, or other similar facility
18 for the confinement, correction, and rehabilitation of offenders. This definition includes facilities
19 managed and operated by the government as well as those operated by nongovernmental
20 entities under contract with the government.

21 May include NAICS 92214 (Correctional Institutions). [Ord. 14-0391 § 2 (Exh. 1).]

22 **18.20.2470 Seismic hazard areas.**

23 "Seismic hazard areas" means areas in the *City* that are subject to severe risk of damage as a
24 result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction. [Ord.
25 11-0329 § 3 (Exh. 1).]

26 **18.20.2480 Self-service storage.**

27 "Self-service storage" means an establishment containing separate storage spaces that are
28 leased or rented as individual units. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.2490 Sending site.**

30 "Sending site" means land capable of providing a public benefit if permanently protected by
31 virtue of having its zoned development potential transferred to another property. [Ord. 11-0329
32 § 3 (Exh. 1).]

33 **18.20.2500 Senior citizen.**

34 "Senior citizen" means a person aged 62 or older. [Ord. 11-0329 § 3 (Exh. 1).]

35 **18.20.2524 Services, off-site.**

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

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.2527 Services, on-site.**

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

3 **18.20.2530 Setback.**

4 “Setback” means the required distance between a *structure* and a specified line such as a lot,
5 easement or *buffer* line that is required to remain free of *structures*. [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.2540 Shelters for temporary placement.**

7 “Shelters for temporary placement” means housing units within the *City* that provide housing to
8 persons on a temporary basis for a duration not to exceed four weeks. [Ord. 11-0329 § 3 (Exh.
9 1).]

10 **18.20.2550 Shooting range.**

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

12 **18.20.2560 Sign.**

13 “Sign” means any device, *structure*, fixture, or placard that is visible from a public right-of-way or
14 surrounding properties and uses graphics, symbols, or written copy for the purpose of
15 advertising or identifying any establishment, product, goods, or service. [Ord. 11-0329 § 3 (Exh.
16 1).]

17 **18.20.2570 Sign, awning.**

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

21 **18.20.2580 Sign, changing message center.**

22 “Changing message center sign” means an electrically controlled *sign* that contains advertising
23 messages which changes at intervals of eight seconds or greater. [Ord. 21-0523 § 2 (Exh. A);
24 Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.2590 Sign, community bulletin board.**

26 “Community bulletin board sign” means a permanent *sign* used to notify the public of
27 community events and public services, and which contains no commercial advertising. [Ord. 11-
28 0329 § 3 (Exh. 1).]

29 **18.20.2600 Sign, directional.**

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

33 **18.20.2610 Sign, freestanding.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

4 **18.20.2620 Sign, fuel price.**

5 "Fuel price sign" means a *sign* utilized to advertise the price of gasoline and/or diesel fuel. [Ord.
6 11-0329 § 3 (Exh. 1).]

7 **18.20.2630 Sign, incidental.**

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

11 A. Restrooms;

12 B. Hours of operation;

13 C. Acceptable credit cards;

14 D. Property ownership or management;

15 E. Phone booths; and

16 F. Recycling containers. [Ord. 11-0329 § 3 (Exh. 1).]

17 **18.20.2640 Sign, indirectly illuminated.**

18 "Indirectly illuminated sign" means a *sign* that is illuminated entirely from an external artificial
19 source. [Ord. 11-0329 § 3 (Exh. 1).]

20 **18.20.2650 Sign, monument.**

21 "Monument sign" means a *freestanding sign* that is above ground level and is anchored to the
22 ground by a solid base, with no open space between the *sign* and the ground. [Ord. 11-0329 § 3
23 (Exh. 1).]

24 **18.20.2660 Sign, off-premises directional.**

25 "Off-premises directional sign" means a *sign* which contains no advertising of a commercial
26 nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or
27 business located on other premises within 660 feet of the *sign*. [Ord. 11-0329 § 3 (Exh. 1).]

28 **18.20.2670 Sign, on-premises.**

29 "On-premises sign" means a *sign* which displays a message which is incidental to and directly
30 associated with the use of the property on which it is located. [Ord. 11-0329 § 3 (Exh. 1).]

31 **18.20.2680 Sign, permanent residential development identification.**

32 "Permanent residential development identification sign" means a permanent *sign* identifying the
33 residential *development* upon which the *sign* is located. [Ord. 11-0329 § 3 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.2690 Sign, portable.**

2 “Portable sign” means a *sign* which is capable of being moved and is not permanently affixed to
3 the ground, a *structure* or a *building*. [Ord. 11-0329 § 3 (Exh. 1).]

4 **18.20.2700 Sign, projecting.**

5 “Projecting sign” means any *sign* which is attached to and supported by the exterior wall of
6 a *building* with the exposed face of the *sign* on a plane perpendicular to the wall of the *building*;
7 projecting more than one foot from the wall of a *building* and vertical to the ground. [Ord. 11-
8 0329 § 3 (Exh. 1).]

9 **18.20.2710 Sign, time and temperature.**

10 “Time and temperature sign” means an electrically controlled *sign* that contains messages for
11 date, time, and temperature, which changes at intervals of one minute or less. [Ord. 11-0329 § 3
12 (Exh. 1).]

13 **18.20.2720 Sign, wall.**

14 “Wall sign” means any *sign* painted on, or attached directly to and supported by,
15 a *building* or *structure*; with the exposed face of the *sign* on a plane parallel to the portion of
16 the *building* or *structure* to which it is attached; projecting no more than one foot from
17 the *building* or *structure*; including window *signs* which are permanently attached. [Ord. 11-0329
18 § 3 (Exh. 1).]

19 **18.20.2730 Significant tree.**

20 “Significant tree” means an existing healthy *tree* that is not a *hazard tree* and that is at least six
21 inches in diameter at breast height (d.b.h.) as measured at four and one-half feet (54 inches)
22 above the ground. For *trees* with multiple leaders at four and one-half feet above the ground, the
23 d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at
24 four and one-half feet above the ground. For *trees* that have been removed and whereas only the
25 stump remains, the size of the *tree* shall be measured from the diameter of the top of the
26 stump. Replacement trees required as mitigation for removed *exceptional trees* are
27 considered *significant trees*, regardless of size. [Ord. 23-0593 § 3 (Exh. B); Ord. 22-0547 § 3
28 (Exh. B(I)); Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.2740 Site.**

30 “Site” means a single *lot*, or two or more contiguous *lots* that are under common ownership or
31 documented legal control, used as a single parcel for a *development proposal* in order to
32 calculate compliance with the standards and regulations of this title. [Ord. 11-0329 § 3 (Exh. 1).]

33 **18.20.2750 Site area.**

34 “Site area” means the total horizontal area of a project *site*, less areas below the *ordinary high*
35 *water mark*. [Ord. 11-0329 § 3 (Exh. 1).]

36 **18.20.2765 Small cell.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Small cell" means a wireless communication facility that meets both of the following
2 qualifications:

3 A. Each antenna is located inside an antenna enclosure of no more than three cubic feet in
4 volume or, in the case of an antenna that has exposed elements, the antenna and all of its
5 exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

6 B. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following
7 associated equipment may be located outside the primary equipment enclosure and if so
8 located, is not included in the calculation of equipment volume: electric meter, concealment,
9 telecomm demarcation box, ground-based enclosures, battery back-up power systems,
10 grounding equipment, power transfer switch, and cut-off switch. [Ord. 17-0446 § 2 (Att. A); Ord.
11 16-0426 § 4 (Att. B).]

12 **18.20.2782 Social card game.**

13 "Social card game" is defined as set forth in RCW [9.46.0282](#), as now in effect or as may be
14 subsequently amended or recodified. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.2784 Social services.**

16 "Social services" means establishments or agencies offering social or rehabilitation services.
17 Subcategories include:

18 "Social services, correctional" that offer offender rehabilitation, offender self-help, parole or
19 probation services; and

20 "Social services, noncorrectional" that provide services including, but not limited to, individual
21 and family counseling, welfare, relief, referral, job training, or vocational services. "Social
22 services, noncorrectional" includes social advocacy organizations. [Ord. 11-0329 § 3 (Exh. 1).]

23 **18.20.2790 Soil recycling facility.**

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

25 **18.20.2810 Special use permit.**

26 "Special use permit" means a permit granted by the *City* to locate a *regional land use* at a
27 particular location, subject to conditions placed on the proposed *use* to ensure compatibility
28 with adjacent land uses. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.2820 Specialized instruction school.**

30 "Specialized instruction school" means establishments engaged in providing specialized
31 instruction in a designated field of study, rather than a full range of courses in unrelated areas;
32 including, but not limited to:

33 A. Art;

34 B. Dance;

35 C. Music;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 D. Cooking;

2 E. Driving; and

3 F. Pet obedience training. [Ord. 11-0329 § 3 (Exh. 1).]

4 **18.20.2822 Species.**

5 "Species" means any group of animals classified as a species or subspecies as commonly
6 accepted by the scientific community. [Ord. 11-0329 § 3 (Exh. 1).]

7 **18.20.2823 Species, candidate.**

8 "Species, candidate" means fish and wildlife species that the Washington State Department of
9 Fish and Wildlife will review for possible listing as endangered, threatened, or sensitive. [Ord. 24-
10 0624 § 4 (Exh. B).]

11 **18.20.2824 Species, endangered.**

12 "Species, endangered" means any fish or wildlife *species* that is threatened with extinction
13 throughout all or a significant portion of its range and is listed by the State or federal
14 government as an endangered species. [Ord. 11-0329 § 3 (Exh. 1).]

15 **18.20.2825 Species of concern.**

16 "Species of concern" means those species listed an endangered, state threatened, state
17 sensitive, or state candidate, as well as species listed or proposed for listing by the U.S. Fish
18 and Wildlife Service or the National Marine Fisheries Service. [Ord. 24-0624 § 4 (Exh. B).]

19 **18.20.2826 Species, threatened.**

20 "Species, threatened" means any fish or wildlife *species* that is likely to become an *endangered*
21 *species* within the foreseeable future throughout a significant portion of its range without
22 cooperative management or removal of threats, and is listed by the State or federal government
23 as a threatened species. [Ord. 11-0329 § 3 (Exh. 1).]

24 **18.20.2840 Sporting goods store.**

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

26 **18.20.2850 Sports club.**

27 "Sports club" means an establishment engaged in operating physical fitness facilities and
28 sports and recreation clubs. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.2860 Stable.**

30 "Stable" means a *structure* or facility in which horses or other *livestock* are kept for:

31 A. Boarding;

32 B. Training;

33 C. Riding lessons;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 D. Breeding;

2 E. Rental; or

3 F. Personal use. [Ord. 11-0329 § 3 (Exh. 1).]

4 **18.20.2865 Standalone parking.**

5 "Standalone parking" means an establishment engaged in providing parking space for motor
6 vehicles or boats, usually on an hourly, daily or monthly basis. Parking may be provided on a
7 surface lot, in a garage or, in the case of boats, on a storage rack. Standalone parking does not
8 include required parking associated with a use, authorized through a development application.

9 May include NAICS 81293 (Parking Lots and Garages). [Ord. 14-0391 § 2 (Exh. 1).]

10 **18.20.2870 Standard of service, school districts.**

11 "School districts standard of service" means the standard adopted by each *school district* which
12 identifies the program year, the class size by *grade span* and taking into account the
13 requirements of students with special needs, the number of *school classrooms*, the types of
14 facilities the district believes will best serve its student population, and other factors as
15 identified by the *school district*. The district's standard of service shall not be adjusted for any
16 portion of the classrooms housed in *relocatable facilities* which are used as transitional facilities
17 or for any specialized facilities housed in *relocatable facilities*. Except as otherwise defined by
18 the school board pursuant to a board resolution, transitional facilities shall mean those facilities
19 that are used to cover the time required for the construction of permanent facilities; provided,
20 that the "necessary financial commitments" as defined in Chapter [18.45](#) KMC are in place to
21 complete the permanent facilities called for in the capital plan. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.2875 Start of construction.**

23 For purposes of flood hazard area regulations, "start of construction" includes substantial
24 improvement, and means the date the building permit was issued, provided the actual start of
25 construction, repair, reconstruction, placement or other improvement was within 180 days of
26 the permit date. The "actual start" means either the first placement of permanent construction
27 of a structure on a site, such as the pouring of slab or footings, the installation of piles, the
28 construction of columns, or any work beyond the stage of excavation; or the placement of a
29 manufactured home on a foundation. Permanent construction does not include land
30 preparation, such as clearing, grading and filling; nor does it include the installation of streets
31 and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations
32 or the erection of temporary forms; nor does it include the installation on the property of
33 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the
34 main structure. For a substantial improvement, the "actual start of construction" means the first
35 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
36 alteration affects the external dimensions of the building. [Ord. 19-0488 § 4 (Exh. 2).]

37 **18.20.2884 Storage, indoor.**

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.2887 Storage, outdoor.**

2 "Outdoor storage" means the storage of materials outside of a completely enclosed building for
3 more than 24 hours, including items for sale, lease, shipment, processing, maintenance or repair
4 (including vehicles and equipment), and items used in business operations. [Ord. 14-0391 § 2
5 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.2890 Stream functions.**

7 "Stream functions" means natural processes performed by *streams* including functions which
8 are important in facilitating food chain production, providing habitat for nesting, rearing and
9 resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of
10 water, such as purifying water, acting as recharge and discharge areas for groundwater
11 aquifers, moderating surface and stormwater flows and maintaining the free flowing
12 conveyance of water, sediments and other organic matter. [Ord. 11-0329 § 3 (Exh. 1).]

13 **18.20.2900 Stream.**

14 "Stream" means an area where open surface water produces a defined channel or bed. A
15 defined channel or bed is an area which demonstrates clear evidence of the passage of water
16 and includes, but is not limited to, bedrock, channels, gravel beds, sand and silt beds, and
17 defined-channel swales. This includes watercourses where there is some component of natural
18 flow (groundwater, spring, etc.) or when an artificial stormwater system is incorporated within a
19 natural stream. A watercourse also includes all surface water connected wetlands that provide
20 or maintain habitat that supports fish. This definition is not meant to include artificially created
21 irrigation ditches, canals, storm or surface water runoff facilities or other wholly artificial
22 watercourses unless they are used by salmonids, created for the purposes of stream mitigation,
23 or are used to convey a watercourse naturally occurring prior to construction. A channel or bed
24 need not contain water year-round, provided there is evidence of at least intermittent flow during
25 years of normal rainfall. [Ord. 24-0624 § 4 (Exh. B); Ord. 19-0488 § 4 (Exh. 2); Ord. 11-0329 § 3
26 (Exh. 1).]

27 **18.20.2905 Stream reconnaissance report.**

28 "Stream reconnaissance report" means a report prepared by an applicant's qualified consultant
29 to describe a stream and to characterize its conditions, wildlife, habitat values, and water
30 quality. [Ord. 24-0624 § 4 (Exh. B).]

31 **18.20.2910 Street.**

32 "Street" means a public or recorded *private* thoroughfare providing pedestrian and vehicular
33 access through neighborhoods and communities and to abutting property. [Ord. 11-0329 § 3
34 (Exh. 1).]

35 **18.20.2920 Street frontage.**

36 "Street frontage" means any portion of a *lot* or combination of *lots* which directly abut a *street*.
37 [Ord. 11-0329 § 3 (Exh. 1).]

38 **18.20.2925 Street tree.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 "Street tree" means *trees* located within the *street* right-of-way, adjacent to public or *private*
2 *streets*, including undeveloped areas. [Ord. 11-0329 § 3 (Exh. 1).]

3 **18.20.2930 Structure.**

4 "Structure" means anything permanently constructed in or on the ground, or over the water;
5 excluding *fences* eight feet or less in height, decks less than 18 inches above grade, paved
6 areas, and structural or nonstructural fill. [Ord. 11-0329 § 3 (Exh. 1).]

7 **18.20.2935 Structural diversity.**

8 "Structural diversity" means the relative degree of diversity or complexity of vegetation in a
9 wildlife habitat area as indicated by the stratification or layering of different plan communities
10 (e.g., ground cover, shrub layer, and tree canopy), the variety of plant species, and the spacing or
11 pattern of vegetation. [Ord. 24-0624 § 4 (Exh. B).]

12 **18.20.2945 Subdrainage basin or sub-basin.**

13 "Subdrainage basin" or "sub-basin" means the drainage area of the highest
14 order *stream* containing the subject property impact area. "Stream order" is the term used to
15 define the position of a *stream* in the hierarchy of tributaries in the watershed. The
16 smallest *streams* are the highest order (first order) tributaries. These are the upper
17 watershed *streams* and have no tributaries of their own. When two first order *streams* meet, they
18 form a second order *stream*, and when two second order *streams* meet they become a third
19 order *stream*, and so on. [Ord. 11-0329 § 3 (Exh. 1).]

20 **18.20.2955 Substantial damage.**

21 For purposes of flood hazard area regulations, "substantial damage" means damage of any
22 origin sustained by a structure whereby the cost of restoring the structure to its before-
23 damaged condition would equal or exceed 50 percent of the market value of the structure
24 before the damage occurred. [Ord. 19-0488 § 4 (Exh. 2).]

25 **18.20.2960 Substantial improvement.**

26 "Substantial improvement" means any maintenance, repair, structural modification, addition or
27 other improvement of a *structure*, the cost of which equals or exceeds 50 percent of the market
28 value of the *structure* either before the maintenance, repair, modification or addition is started or
29 before the damage occurred, if the *structure* has been damaged and is being restored. [Ord. 11-
30 0329 § 3 (Exh. 1).]

31 **18.20.2963 Supportive living facility.**

32 "Supportive living facility" means an assisted living facility, continuing care facility, convalescent
33 center, or nursing home. Supportive living facility does not include an adult family home,
34 community residential facility, hospital, or secure facility.

35 May include NAICS 6231 (Nursing Care Facilities) and 6233 (Community Care Facilities for the
36 Elderly). [Ord. 14-0391 § 2 (Exh. 1).]

37 **18.20.2965 Taxi stand.**

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

2 **18.20.2968 Temporary lodging.**

3 "Temporary lodging" means a hotel, motel, bed and breakfast guesthouse, or other facility
4 providing temporary accommodations for travelers for compensation.

5 May include NAICS 721 (Accommodation), except 72112 (Casino Hotels) and 7212
6 (RV/Recreational Vehicle Parks and Recreational Camps). [Ord. 14-0391 § 2 (Exh. 1).]

7 **18.20.2970 Theater.**

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

9 **18.20.2980 Theatrical production services.**

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

11 **18.20.2990 Tower.**

12 "Tower" means any wireless communications structure that is designed and constructed
13 primarily for the purpose of supporting one or more antennas. "Tower" includes a lattice tower
14 or monopole. "Tower" does not include a replacement utility pole or an amateur (ham) radio
15 facility. [Ord. 16-0426 § 4 (Att. B).]

16 **18.20.3000 Trails.**

17 "Trails" means manmade pathways designed and intended for use by pedestrians, bicyclists,
18 equestrians, and/or recreational users. [Ord. 11-0329 § 3 (Exh. 1).]

19 **18.20.3010 Transfer station.**

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

21 **18.20.3020 Transit bus base.**

22 "Transit bus base" means an establishment for the storage, dispatch, repair and maintenance of
23 coaches and other vehicles of a public transit system. [Ord. 11-0329 § 3 (Exh. 1).]

24 **18.20.3022 Transit, high capacity.**

25 "High capacity transit" means a transit stop that receives transit services from at least one
26 route that provides service at least four times per hour for 12 or more hours per day. [Ord. 24-
27 0621 § 2 (Exh. A).]

28 **18.20.3023 Transit center.**

29 "Transit center" means any facility designed for accommodating large numbers of public
30 transportation passengers to wait, board, and disembark at the intersection of multiple transit
31 routes. [Ord. 11-0329 § 3 (Exh. 1).]

32 **18.20.3025 Transit stop, major.**

33 **"Major transit stop" means:**

| *The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.*

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

A. A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

B. Commuter rail stops;

C. Stops on rail or fixed guideway systems; or

D. Stops on bus rapid transit routes, including those stops that are under construction.

18.20.3030 Transitional housing facilities.

"Transitional housing facilities" means housing units within the *City* owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling; the purpose of which is to help persons make the transition from homelessness to placement in permanent housing. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3040 Transmission equipment.

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

18.20.3060 Transmission support structure.

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

18.20.3065 Transmission support structure, alternative.

Recodified to KMC [18.20.147](#) by Ord. 16-0426. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3067 Transmission support structure, guyed.

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

18.20.3070 Transmitter building.

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

18.20.3075 Transportation.

"Transportation" means establishments providing transportation of passengers or cargo, such as taxi and limousine services, scenic and sightseeing transportation businesses, motor vehicle towing, trucking, shipping, or freight hauling businesses. This use includes related support activities, such as cargo handling and packing and crating of cargo. Transportation does not include *air transportation service or airport* (classified as a *regional land use*).

May include NAICS Sector 48 (Transportation and Warehousing), except the following: 481 (Air Transportation), 486 (Pipeline Transportation), 4881 (Support Activities for Air Transportation), and 493 (Warehousing and Storage). May include 62191 (Ambulance Services). [Ord. 17-0438 § 2 (Att. A); Ord. 14-0391 § 2 (Exh. 1).]

18.20.3077 Transportation concurrency.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

“Transportation concurrency” means the transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development, as described in KMC [12.80.010\(A\)](#). Transportation concurrency shall be measured by mobility units, comparing the amount of transportation capital facilities constructed or programmed in the next six years (mobility unit capacity) to the amount of mobility units that would be generated by new development (mobility unit demand). If the City’s mobility unit capacity is larger than the mobility units that would be generated by new development, then the transportation system will be deemed concurrent. [Ord. 16-0420 § 4 (Exh. 2).]

18.20.3082 Tree.

“Tree” means a self-supporting woody perennial plant characterized by one main stem or trunk of at least six inches d.b.h., or a multiple stemmed or trunk system with a definite *crown*, maturing at a height of at least 12 feet above ground level. The *department* shall determine whether any specific woody plant shall be considered a tree. [Ord. 11-0329 § 3 (Exh. 1).]

18.20.3083 Tree, exceptional.

“Exceptional tree” means a tree which because of its unique combination of size, species, and age is worthy of long-term retention for the purposes and values set forth in KMC [18.57.015](#), and that has been determined to constitute an important community resource and may not be removed or damaged.

A. All healthy specimens of *tree* species in Table 1 are *exceptional trees* if they have a diameter at breast height (d.b.h.) equal to or greater than that listed for the respective species. For *trees* with multiple leaders at four and one-half feet above the ground, the d.b.h. shall be the combined cumulative total of branches greater than six inches diameter at four and one-half feet above the ground. For *trees* that have been removed and whereas only the stump remains, the size of the *tree* shall be measured from the diameter of the top of the stump.

B. Any healthy *tree* with a d.b.h. of 48 inches or greater is an *exceptional tree* except those in Table 2 that are never considered exceptional.

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
American Elm	<i>Ulmus americana</i>	30"
Bigleaf Maple	<i>Acer macrophyllum</i>	42"
Douglas Fir	<i>Pseudotsuga menziesii</i>	30"
Giant Sequoia	<i>Sequoiadendron giganteu</i>	30"
Grand Fir	<i>Abies grandis</i>	24"

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Table 1: Exceptional Tree Species and Required Diameters at Breast Height

Tree Species (Common Name)	Scientific Name	Threshold d.b.h. (in inches)
Madrona	<i>Arbutus menziesii</i>	12"
Oregon Ash	<i>Fraxinus latifolia</i>	24"
Oregon White Oak	<i>Quercus garryana</i>	24"
Pacific Dogwood	<i>Cornus nuttallii</i>	24"
Pacific Yew	<i>Taxus brevifolia</i>	Determined by the city manager
Pine (any species)	<i>Pinus</i> family	30"
Shore Pine	<i>Pinus contorta</i>	12"
Sitka Spruce	<i>Picea sitchensis</i>	24"
Western Hemlock	<i>Tsuga heterophylla</i>	24"
Western Red Cedar	<i>Thuja plicata</i>	30"
Willow (any species)	<i>Salix</i> family	24"

Table 2: Tree Species That Are Not Exceptional Trees

Tree Species (Common Name)	Scientific Name
Alder (any species)	<i>Alnus</i> family
Black Cottonwood	<i>Populus trichocarpa</i>
English Holly	<i>Ilex aquifolium</i>
Leyland Cypress	<i>Cupressus x leylandii</i>

[Ord. 24-0621 § 2 (Exh. A); Ord. 23-0593 § 3 (Exh. B).]

18.20.3084 Tree, hazard.

"Hazard tree" means any tree with any structural defect, disease, damage, or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property. A "hazard tree" includes, but is not limited to, any isolated tree(s) that have a high probability of failure due to low wind-firmness in post-construction conditions as determined by a qualified tree protection professional. [Ord. 11-0329 § 3 (Exh. 1).]

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.3088 Tree, remove or removal.**

2 "Remove" or "removal" with regard to *trees* means the act of removing a *tree* by digging up,
3 cutting down, or any act which causes a *tree* to die within a period of three years from such act.
4 [Ord. 11-0329 § 3 (Exh. 1).]

5 **18.20.3090 Tree windthrow.**

6 "Tree windthrow" means the process of uprooting, breaking, and overthrowing of a *tree* by force
7 of wind during a storm event. [Ord. 15-0409 § 2 (Att. B).]

8 **18.20.3095 Unavoidable impact.**

9 "Unavoidable impact" means adverse impacts to a *critical area* that remain after all appropriate
10 and practicable avoidance and minimization have been achieved. [Ord. 11-0329 § 3 (Exh. 1).]

11 **18.20.3100 Unit Density.**

12 "Unit density" means the number of dwelling units allowed on a lot, regardless of lot size.

13 **18.20.3110 Use.**

14 "Use" means activity or function carried out on an area of land, or in
15 a *building* or *structure* located thereon. Any use subordinate or incidental to the primary use on
16 a *site* is considered an *accessory use*. [Ord. 11-0329 § 3 (Exh. 1).]

17 **18.20.3111 Uses, classified.**

18 "Uses, classified" means a use which appears in any list of permitted, conditional, accessory or
19 prohibited *uses* in this title. [Ord. 11-0329 § 3 (Exh. 1).]

20 **18.20.3112 Uses, permitted.**

21 "Uses, permitted" means land *uses* allowed outright within a zone. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.20.3114 Uses, prohibited.**

23 "Uses, prohibited" means any land *use* not specifically enumerated or permitted as allowable in
24 that district. [Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.3117 Uses, unclassified.**

26 "Uses, unclassified" means a *use* which does not appear in any list of permitted, conditional,
27 accessory, or prohibited *uses* in this title, but which is interpreted by the *city manager* as similar
28 to a listed permitted, conditional, accessory, or prohibited *use*. [Ord. 11-0329 § 3 (Exh. 1).]

29 **18.20.3118 Utility.**

30 "Utility" means an enterprise or facility serving the public by means of an integrated system of
31 collection, transmission, distribution, and processing facilities through more or less permanent
32 physical connections between the plant of the serving entity and the premises of the customer.
33 Included are systems for the delivery of natural gas, electricity, telecommunications services,
34 and water, and for the disposal of sewage. [Ord. 19-0488 § 4 (Exh. 2).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.3120 Utility facility.**

2 "Utility facility" means a smaller-scale facility for the distribution or transmission of services to a
3 limited area, including, but not limited to:

4 A. Telephone exchanges (not including communication facilities);

5 B. Water pumping or treatment stations or distribution systems;

6 C. *Electrical substations*;

7 D. Water storage reservoirs or tanks;

8 E. Stormwater management facilities;

9 F. *Repealed by Ord. 14-0391.*

10 G. Natural gas gate stations and limiting stations;

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

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

14 J. Pipes, electrical wires and associated structural supports.

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

17 May include NAICS Sector 22 (Utilities). [Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18 **18.20.3130 Vector waste.**

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

21 **18.20.3140 Vector waste receiving facility.**

22 "Vector waste receiving facility" means a facility where *vector waste* is brought for treatment
23 and storage prior to final disposal. [Ord. 11-0329 § 3 (Exh. 1).]

24 **18.20.3150 Variance.**

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

27 **18.20.3155 Variety store.**

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

29 **18.20.3160 Vegetation.**

30 "Vegetation" means any and all plant life growing at, below or above the soil surface. [Ord. 11-
31 0329 § 3 (Exh. 1).]

32 **18.20.3165 Vehicle or equipment rental.**

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

3 May include NAICS Sectors 5321 (Automotive Equipment Rental and Leasing), 5323 (General
4 Rental Centers), and 5324 (Commercial and Industrial Machinery and Equipment Rental and
5 Leasing). [Ord. 14-0391 § 2 (Exh. 1).]

6 **18.20.3168 Vehicle refueling station.**

7 "Vehicle refueling station" means an establishment retailing automotive fuels, sometimes in
8 combination with convenience store items.

9 May include NAICS 447 (Gasoline Stations). [Ord. 14-0391 § 2 (Exh. 1).]

10 **18.20.3170 Vocational school.**

11 "Vocational school" means establishments offering training in a skill or trade to be pursued as a
12 career. [Ord. 11-0329 § 3 (Exh. 1).]

13 **18.20.3180 Warehousing.**

14 "Warehousing" means establishments providing warehousing and storage of goods, including
15 standalone outdoor storage. Warehouses are distinguished from wholesale trade as
16 warehouses do not sell goods.

17 May include NAICS Sector 49 (Transportation and Warehousing), except 491 (Postal Service)
18 and 492 (Couriers and Messengers). May include 53113 (Lessors of Miniwarehouses and Self-
19 Storage Units). [Ord. 14-0391 § 2 (Exh. 1).]

20 **18.20.3190 Warehousing and wholesale trade.**

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

22 **18.20.3200 Wastewater treatment facility.**

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

24 **18.20.3220 Water-dependent use.**

25 "Water-dependent use" means a *use* or portion of a *use* that cannot exist in a location that is not
26 adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its
27 operations. A *use* that can be carried out only on, in, or adjacent to water. Examples of water-
28 dependent uses include ship cargo terminal loading areas; fishing; ferry and passenger
29 terminals; barge loading, ship building, and dry docking facilities; *marinas*, moorage, and *boat*
30 *launching* facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer
31 and storm drain outfalls. [Ord. 11-0329 § 3 (Exh. 1).]

32 **18.20.3225 Water resource inventory area (WRIA).**

33 "Water resource inventory area (WRIA)" means one of 62 watersheds in the State of
34 Washington, each composed of the drainage areas of a *stream* or *streams*, as established in
35 Chapter [173-500](#) WAC as it existed on January 1, 1997. Kenmore is located in WRIA 8, Lake
36 Washington/Cedar/Sammamish River. [Ord. 11-0329 § 3 (Exh. 1).]

| The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.20.3227 Weather protection.**

2 "Weather protection" means awnings, canopies, *arcades* or marquees which are permanently
3 fixed to *buildings* and which cover the public sidewalks to provide protection from the weather
4 for pedestrians. Weather protection should allow light and transparency into *ground floor uses*.
5 [Ord. 11-0329 § 3 (Exh. 1).]

6 **18.20.3240 Wetland edge.**

7 "Wetland edge" means the line delineating the outer edge of a *wetland*, consistent with the 1987
8 U.S. Army Corps of Engineers Wetlands Delineation Manual in use on January 1, 1995, by the
9 United States Army Corps of Engineers and the United States Environmental Protection Agency
10 as implemented through and consistent with the May 23, 1994, "Washington Regional Guidance
11 on the 1987 Wetland Delineation Manual" document issued by the Corps of Engineers and the
12 Environmental Protection Agency. When the State of Washington, Department of Ecology,
13 adopts a manual as required pursuant to a new Section 11 of Engrossed Senate Bill
14 5776, *wetlands* regulated under development regulations shall be delineated pursuant to said
15 manual. [Ord. 11-0329 § 3 (Exh. 1).]

16 **18.20.3245 Wetland, establishment (creation).**

17 "Establishment" or "creation" of a wetland means the manipulation of the physical, chemical, or
18 biological characteristics present to develop a wetland on an upland or deepwater site, where a
19 wetland did not previously exist. Activities typically involve excavation of upland soils to
20 elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth
21 of hydrophytic plant species. [Ord. 24-0624 § 4 (Exh. B).]

22 **18.20.3250 Wetland, forested.**

23 "Forested wetland" means a *wetland* which is characterized by woody *vegetation* at least 20 feet
24 tall. [Ord. 11-0329 § 3 (Exh. 1).]

25 **18.20.3260 Wetland functions.**

26 "Wetland functions" means natural processes performed by *wetlands* including functions which
27 are important in facilitating food chain production, providing habitat for nesting, rearing and
28 resting sites for aquatic, terrestrial and avian *species*, maintaining the availability and quality of
29 water, acting as recharge and discharge areas for groundwater aquifers and moderating
30 surface and stormwater flows, as well as performing other functions including, but not limited
31 to, those set forth in [33 CFR 320.4\(b\)\(2\)](#), 1988. [Ord. 11-0329 § 3 (Exh. 1).]

32 **18.20.3280 Wetlands.**

33 "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a
34 frequency and duration sufficient to support, and that under normal circumstances do support,
35 a prevalence of *vegetation* adapted for life in saturated soil conditions. Wetlands generally
36 include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial
37 wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and
38 drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities,
39 farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

unintentionally created as a result of the construction of a road, *street*, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local governments shall use the most recently adopted Wetland Rating System for Western Washington. [Ord. 24-0624 § 4 (Exh. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.3282 Wetland class.

"Wetland class" means a hierarchy of systems, subsystems, classes, and subclasses used by the U.S. Fish and Wildlife Service wetland classification scheme to describe wetland types (refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States, for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include the following examples which may be found in Kenmore: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, and aquatic bed. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3284 Wetland determination.

"Wetland determination" means a report prepared by a qualified consultant that identifies, characterizes, and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3286 Wetland delineation manual.

"Wetland delineation manual" means a guideline document used to identify and delineate wetland boundaries. This is the approved federal wetland delineation manual and applicable regional supplements. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3288 Wetland mitigation banking.

"Wetland mitigation banking" means the act of restoring, establishing, or enhancing a wetland, stream, or other aquatic resource for the purpose of providing compensation in advance for unavoidable impacts to similar aquatic resources. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3290 Wholesale trade.

"Wholesale trade" means an establishment that sell goods for resale by other wholesalers or retailers, capital or durable nonconsumer goods, or raw and intermediate material and supplies used in production. Wholesalers normally operate from a warehouse characterized by little or no display of merchandise. Neither the design nor the location of the premises is intended to solicit walk-in traffic.

May include NAICS Sector 42 (Wholesale Trade). [Ord. 14-0391 § 2 (Exh. 1).]

18.20.3295 Wildlife report.

"Wildlife report" means a report, prepared by a qualified consultant, that evaluates plan communities and wildlife functions and values on a site. [Ord. 24-0624 § 4 (Exh. B).]

18.20.3300 Wildlife shelter.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

2 **18.20.3305 Wind-firm.**

3 "Wind-firm" means a *tree* which is capable of withstanding windstorms. [Ord. 11-0329 § 3 (Exh.
4 1).]

5 **18.20.3306 Wireless communication facility (WCF).**

6 "Wireless communication facility" or "WCF" generally means an unmanned facility for the
7 transmission and/or reception of radio frequency (RF) signals or other wireless
8 communications, typically consisting of one or more antennas, a transmission or alternative
9 transmission support structure, cables and other transmission equipment, and an equipment
10 enclosure or cabinets. Wireless communication facility shall not include equipment intended
11 solely for internal household or business use such as wireless modems, cellular signal boosters,
12 or personal cellular cellspots. [Ord. 16-0426 § 4 (Att. B).]

13 **18.20.3307 Wireless services.**

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

15 **18.20.3310 Work release facility.**

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

17 **18.20.3320 Wrecked, dismantled or inoperative vehicle.**

18 "Wrecked, dismantled or inoperative vehicle" means a motor vehicle or the remains or remnant
19 parts of a motor vehicle which is mechanically inoperative and cannot be made operative
20 without the addition of vital parts or mechanisms or the application of a substantial amount of
21 labor and is certified by the *department* as meeting at least three of the following requirements:

22 A. Is three years old or older;

23 B. Is extensively damaged, such damage including but not limited to any of the following:
24 missing wheels, tires, motor, or transmission;

25 C. Is apparently inoperable;

26 D. Has an approximate fair market value equal only to the approximate value of the scrap in it.
27 [Ord. 11-0329 § 3 (Exh. 1).]

28 **18.20.3330 Yard or organic waste processing.**

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

30 **18.20.3340 Zero-lot-line development.**

31 "Zero-lot-line development" means a *development* that sites a *building* so that a wall is on the
32 property boundary. Lot segregations for zero-lot-line development are discussed in
33 KMC [17.20.125](#). [Ord. 11-0329 § 3 (Exh. 1).]

34 **18.20.3350 Zero-rise floodway.**

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 "Zero-rise floodway" means the channel of the stream and that portion of the adjoining
- 2 floodplain which is necessary to contain and discharge the base flood flow without increasing
- 3 the base flood elevation. The zero-rise floodway will always include the FEMA floodway. [Ord.
- 4 24-0624 § 4 (Exh. B).]

5

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.21

RESIDENTIAL ZONES

Sections:

[18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.](#)

[18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.](#)

[18.21.035 R-4 and R-6 – Middle Housing](#)

[18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.](#)

[18.21.045 Residential zone MHC – Use allowances.](#)

[18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.](#)

[18.21.055 MHC zoning exception.](#)

[18.21.060 Nonresidential land uses in residential zones.](#)

[18.21.070 Personal service, eating and drinking place and retail sales uses in R-4 through R-24 zones.](#)

[18.21.073 Accessory uses.](#)

[18.21.075 Drive-through service.](#)

[18.21.078 Outdoor storage.](#)

[18.21.080 Wireless communication facilities.](#)

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service</i> ¹	<i>Ambulatory surgery center</i> ²⁵	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor</i> ^{2,3}	<i>Arts, entertainment, outdoor</i> ²⁶	<i>Animal kennel/shelter</i>
<i>Cottage housing</i> ^{38, 39}	<i>Cemetery, columbarium or mausoleum</i> ²⁷	<i>Auction house</i>
<i>Courtyard apartments</i> ³⁸	<i>College/university</i> ²⁵	<i>Automotive sales and service, marine</i>
<i>Day care</i> ⁴	<i>Community residential facility</i> ²⁸	<i>Automotive sales and service, non-marine</i>
<i>Duplex</i> ³⁸	<i>Eating and drinking place</i> ^{3,29}	<i>Business service, intensive</i>
<i>Educational service</i> ⁵	<i>Hospital</i> ²⁵	<i>Business service, standard</i>

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Family child-care home ⁶	Manufactured housing community ³⁰	Cannabis business
Fire or police facility ^{7,8}	Personal service ³¹	Cannabis cooperative
<u>Fourplex³⁸</u>	Recreational facility, indoor ^{3,16,32}	Construction and trade
Health care and social assistance ^{9,10}	Regional land use ^{33,34,35}	Funeral home/crematory
<u>Office¹²</u>	Retail sales ^{31,36}	Laboratory
Park ¹³	Temporary lodging ³⁷	Manufacturing, heavy
Recreational facility, outdoor ^{14,15,16}		Manufacturing, light
Religious institution ¹⁷		Mobile food service
Resource land use ¹⁸		Retail sales, bulk
Single detached dwelling unit ^{19,20}		Secure facility
<u>Stacked flats³⁸</u>		Transportation
Standalone parking ²¹		Vehicle or equipment rental
Supportive living facility ²²		Vehicle refueling station
<u>Triplex³⁸</u>		Warehousing
<u>Townhouse³⁸</u>		Wholesale trade
Utility facility ^{23,24}		

Deleted: Multiple-family dwelling¹¹

1. One single-engine, noncommercial seaplane shall be permitted only on lots that abut a waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at an emergency medical evacuation site in conjunction with a police, fire or health service facility is a conditional use. All other *air transportation service uses* are prohibited.

2. Only (a) in a *building* listed on the National Register as a historic site or designated as a *City* landmark; (b) as a re-use of a surplus nonresidential facility; or (c) as a joint use of an existing public school facility. All subject to Chapter [18.50](#) KMC. Otherwise, a conditional use.

3. *Social card games* are prohibited.

4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC, or an accessory use to a school, *religious institution*, *park*, *sports club* or public housing administered by a *public agency*, and:

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings except for gates and have a minimum height of six feet;
 - b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - d. Hours of operation may be restricted to assure compatibility with surrounding development.
- All other *day care uses* require a *conditional use permit*.
5. K-12 facilities only. All other *educational service uses* require a *conditional use permit*.
6. A *family child-care home* is subject to the requirements established by the Washington State Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the following requirements:
- a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - b. A safe passenger loading area shall be provided;
 - c. The *family child-care home* shall comply with all applicable building, fire, safety, and health codes enforced by the *City*;
 - d. The *family child-care home* shall comply with all applicable development standards of the *City*, unless determined to be legally nonconforming;
 - e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC;
 - f. The *City* has the authority to limit the hours of operation to facilitate neighborhood compatibility; and
 - g. Prior to receiving State licensing, the family child-care provider shall provide the *City* with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the *family child-care home*. The notification shall inform the notified parties that comments may be submitted to the DEL and provide contact information for submitting such comments to the DEL. The proof of notification shall be in the form of a written affidavit containing (1) the date and means of notification; (2) a copy of the notification; and (3) a list of the parties to whom the notification was distributed.
7. Limited to "storefront" police offices. Such offices shall not have:
- a. Holding cells;
 - b. Suspect interview rooms; or
 - c. Long-term storage of stolen properties.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 All other *fire or police facility uses* require a *conditional use permit*, except police or fire training
2 facilities, such as shooting ranges, auto test tracks, and fire suppression simulations, which are
3 prohibited.

4 8. For conditionally permitted fire facilities:

5 a. All *buildings and structures* shall maintain a minimum distance of 20 feet from property
6 lines adjoining residential zones;

7 b. Any *buildings* from which firefighting equipment emerges onto a street shall maintain a
8 distance of 35 feet from such *street*; and

9 c. No *outdoor storage*.

10 9. Only as a re-use of a public school facility. May be permitted as a *conditional use* if proposed
11 as re-use of a surplus nonresidential facility. All subject to Chapter [18.50](#) KMC.

12 10. Veterinary clinics are prohibited.

13 11. Reserved

14 12. *Public agency or utility office* permitted only as a re-use of a public school facility or a
15 surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. Otherwise, *public*
16 *agency or utility office* is a *conditional use*. All other office *uses* are prohibited.

17 13. The following conditions and limitations shall apply, where appropriate:

18 a. Lighting for *structures* and fields shall be directed away from residential areas;

19 b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property
20 lines adjoining residential zones, except for *structures* in on-site recreation areas
21 provided under KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements
22 for *structures* in these on-site required recreation areas shall be maintained in
23 accordance with the zoning standards for the underlying residential zone.

24 14. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require
25 a *conditional use permit* except campground, RV park, and shooting range which are prohibited.

26 15. Covered riding arenas are subject to KMC [18.70.030](#) and shall not exceed 20,000 square
27 feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached,
28 shall not be counted in this calculation.

29 16. Conditionally permitted recreational facilities are subject to the following conditions and
30 limitations:

31 a. The bulk and scale shall be compatible with residential character of the area;

32 b. The gross floor area shall not exceed 10,000 square feet unless the *building* is on the
33 same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a
34 nonprofit facility; and

35 c. Use is limited to residents of a specified residential *development* or to *sports*
36 *clubs* providing supervised instructional or athletic programs.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 111

Deleted: *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

17. Only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Otherwise, a *conditional use permit* is required.
18. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except mineral extraction, which is prohibited.
19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions, [unit lot subdivisions](#), or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.
20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.
21. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs, provided:
 - a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
 - b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses* are prohibited.
22. Only in a *building* listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of Chapter [2.20](#) KMC. Otherwise, a *conditional use permit* is required.
23. Excluding utilities using *bulk gas storage tanks*, which are a conditional use. Liquefied natural gas storage tanks are prohibited.
24. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.
25. Only as a re-use of a public school facility or a surplus nonresidential facility subject to Chapter [18.50](#) KMC.
26. Outdoor performance center and drive-in theater are prohibited.
27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
28. *Community residential facility I* only. *Community residential facility II* is prohibited.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

29. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
30. *Manufactured housing communities* are not permitted in the R-1 zone.
31. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and subject to KMC [18.21.070](#).
32. Bowling center and shooting range are prohibited.
33. *Hydroelectric generation facilities* limited to those that comply with the following:
 - a. Any new diversion structure shall not: (1) exceed a height of eight feet as measured from the streambed; or (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than 50 percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a: (1) right-of-way of five miles or less; and (2) capacity of 230 kV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the *stream* used by *anadromous fish*.
34. *Nonhydroelectric generation facilities* limited to *cogeneration* facilities for on-site use only.
35. Fairground, amusement park, and stadium/arena are prohibited.
36. Pet shops and auto supply stores are prohibited.
37. Bed and breakfast guesthouse only, subject to the following conditions:
 - a. The guesthouse shall be owner-occupied;
 - b. Meals shall be served to paying guests only (no restaurant use permitted);
 - c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
 - d. Parking shall be provided as required by this title; and
 - e. The guesthouse shall be compatible with the neighborhood character as determined by the city manager, and shall not create significant adverse neighborhood effects that cannot be mitigated.
38. Reference KMC 18.21.035 for specific provisions relating to Middle Housing. These uses are permitted in specific R-4 and R-6 areas as defined in KMC 18.21.035(B).
39. Cottage housing permitted pursuant to the standards defined in KMC 18.75.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

[Ord. 24-0607 § 2 (Exh. A(V)); Ord. 19-0481 § 2 (Exh. A); Ord. 18-0463 § 3 (Exh. 2); Ord. 17-0438 § 2 (Att. A); Ord. 16-0433 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329 § 3 (Exh. 1)].**18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.**

Deleted: ¶

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

	Z O N E S			
STANDARDS		R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ^{3,18}	6 du/ac ¹⁸
Maximum Density: <i>Dwelling Unit/Acre</i> ⁴			6 du/ac	9 du/ac
Minimum Density				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum Side <i>Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum Rear <i>Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Maximum Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Base <i>Impervious Surface</i> : Percentage		30%	45%	60%
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

1.

- a. All subdivisions and short subdivisions in the R-1 zone shall be required to be *clustered* when the property is located within or contains:
 - (1) A *floodplain*;
 - (2) A regionally or locally significant resource area;
 - (3) Existing or planned public *parks* or *trails*, or connections to such facilities;
 - (4) A Category I or II *wetland* or Type S or F *stream*;
 - (5) A “greenbelt/urban separator” or “wildlife corridor” area designated by the comprehensive plan.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- b. The *development* shall be *clustered* away from *critical areas* or corridors such as urban separators or the wildlife habitat network to the extent possible and the *open space* shall be placed in a separate tract that includes at least 50 percent of the *site*. *Open space* tracts shall be permanent and meet the provisions of KMC [17.20.130](#).
2. Density applies only to *dwelling units* and not to sleeping units.
3. *Manufactured housing communities* shall be allowed a base density of six *dwelling units* per acre.
4. This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of density incentive or density transfer. Maximum density may only be exceeded pursuant to KMC [18.80.040](#)(E)(1)(f).
5. These standards may be modified under the provisions for *zero-lot-line developments*.
6. The *building envelope* is determined through meeting minimum lot size and minimum lot width measurement requirements (KMC [18.30.110](#)).
7. The standards of the R-4 zone shall apply if a *lot* is less than 15,000 square feet in area.
8. If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal 10 feet.
9. At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the *street* property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the *street* property line.
10. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.
11. Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.
12. Reserved.
13. The maximum height of 45 feet to be used only for projects as follows:
 - a. In R-6 zones, a *building* with a footprint built on slopes exceeding a 15 percent finished grade.
14. Applies to each individual *lot*. *Impervious surface* area standards for:
 - a. Regional *uses* shall be established at the time of permit review;
 - b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);
 - c. Individual *lots* in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- d. Lots may be increased beyond the total amount permitted in this chapter subject to approval of a *conditional use permit*;
- e. The base *impervious surface* percentage may be exceeded, up to the maximum *impervious surface* percentage, provided low impact development strategies are implemented subject to approval by the *city manager*.

15 Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-6 zone. For lots that are one-half acre in area or larger, the maximum *impervious surface* area allowed shall be at least 10,000 square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for *buildings* related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional 10 percent of the lot area may be used for *structures* which are determined to be medically necessary, provided the *applicant* submits with the permit application a notarized affidavit, conforming with the requirements of KMC [18.100.170\(A\)\(2\)](#).

16 For properties with *critical areas* or topographic constraints, up to 20 percent of the number of lots in a subdivision or a short subdivision of more than four lots, and one of the lots in a short plat of four lots or less, may contain an area less than the prescribed minimum for this zoning district. In no case shall any lots be created which contain an area more than 10 percent less than the prescribed minimum for this zoning district. These smaller lots shall be located so as to have the least impact on surrounding properties in terms of consistency of *street frontages* and privacy of abutting properties.

17 This excludes any area required for public or *private streets*, access easements, access tracts, and access panhandles.

18. Unit lot density applies to all lots within the R-4 and R-6 zones, excluding those identified in KMC 18.21.035(B). The following provisions are applicable when determining permitted unit density:

a. The permitted base unit density is:

(1) Two units per parent lot.

(2) Four units per lot on all lots within one-quarter mile walking distance of a major transit stop.

(3) Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of KMC 18.21.035(C).

(4) Accessory dwelling units are considered units for the purposes of calculating unit density, subject to the provisions of KMC 18.73.100.

(5) If single-family residential uses exist or are proposed on a lot pursuant to the base or maximum density, then the unit lot density defined in this section is in addition to the that single-family residential use. Single-family dwellings do not count as units for the purposes of this section. If middle housing uses, including duplexes, triplexes, fourplexes,

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

townhouses, stacked flats, courtyard apartments, or cottage housing developments are proposed, those are subject to the unit lot density requirements listed in subsection (a)(1-3) of this footnote.

b. The standards of footnote 18 do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.

c. The lot lines applicable to a parent lot shall be used to determine dimensional standards that relate to lot dimensions, including but not limited to: minimum lot size, setbacks, maximum gross floor area, maximum hardscape area and maximum lot coverage any created unit lot. These dimensional standards shall not be measured off individual unit lots.

d. Unit density applies to lots created through the fee simple unit lot subdivision process pursuant to KMC 18.20.160 that cannot be further subdivided based on the minimum lot size listed in Table B for the applicable zone.

18.21.034 Residential zones R-4 and R-6 – Affordable Housing

Developments in zones R-4 and R-6 containing residential units shall provide affordable housing as described in Chapter 18.77 KMC. When an affordable housing unit is provided on-site meeting the requirements of KMC 18.21.030, Footnote 18(A), the affordable housing requirements of KMC 18.77.043 have been met.

18.21.035 Residential zones R-4 and R-6 - Middle Housing

A. Middle housing shall be subject to the same development regulations as detached single-family homes for the purpose of review for consistency with this chapter. Middle housing includes duplexes, triplexes, fourplexes, townhouses, stacked flats, courtyard apartments, or cottage housing developments.

B. The provisions of this section:

1. Shall apply to all lots in the R-4 and R-6 zoned lots as identified in the exhibit within the subsection.

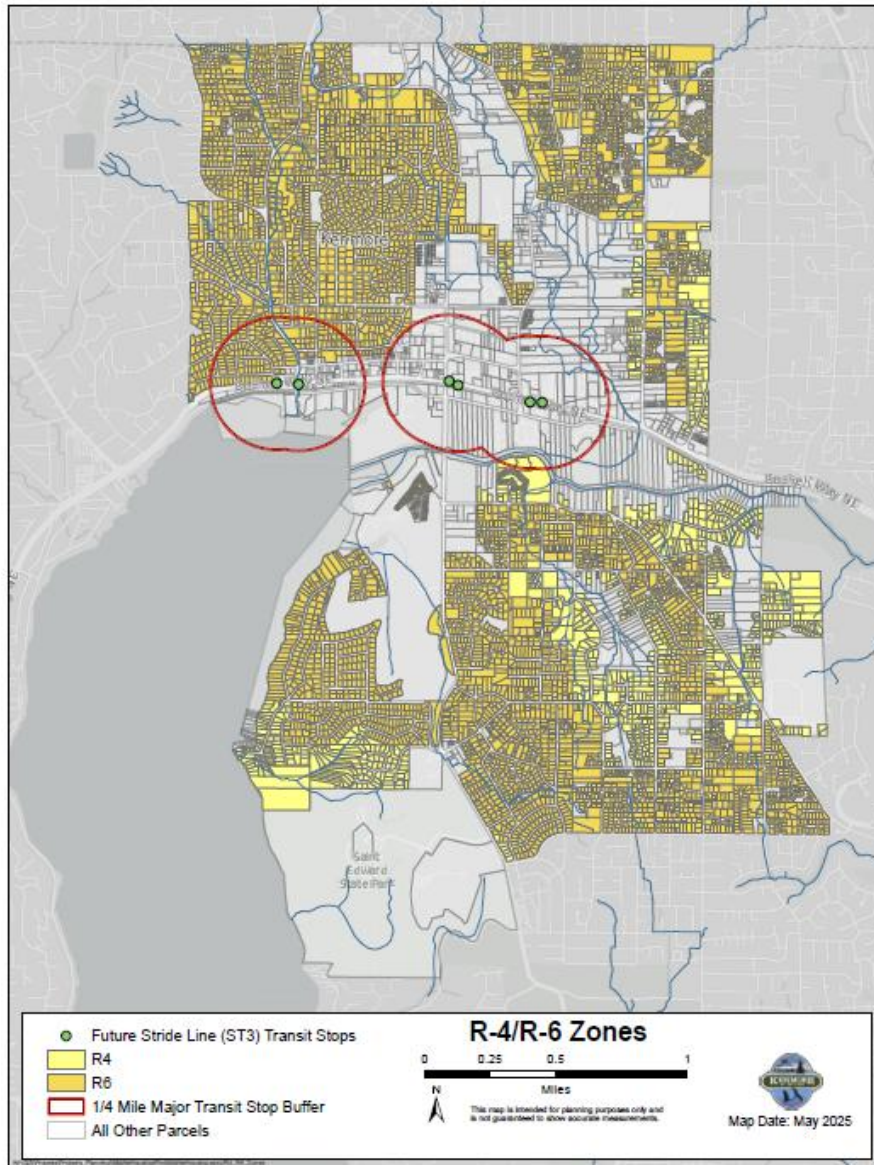
2. Shall not apply to:

a. Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met.

Deleted: ¶

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Figure 1. Applicable Middle Housing R-4/R-6 Zones



[Source: City of Kenmore GIS](#)

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- C. To qualify for additional units under the affordable housing provisions of KMC 18.21.030, Footnote 18(A), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of KMC 18.77.015 and 18.77.050.
- D. Consistent with all residential uses, building design standards for middle housing shall meet the requirements of KMC 18.52 Article III and Article V.
- E. Public Benefits and Development Incentives
1. The purpose of this section is to:
 - a. Promote development of a variety of middle housing types by providing a method for flexibility in development standards;
 - b. Provide development incentives to developers of residential property, in exchange for public benefits to help achieve comprehensive plan goals of a variety of housing types and open space protection;
 - c. Provide a review process to allow evaluation of proposed development standard modifications per the table in subsection (I)(3).
 2. Development incentives are applicable only to applications for middle housing types, including: duplex, triplex, fourplex, townhouse, stacked flats, courtyard apartments, and cottage housing (as specified in the last column of the table below) in the applicable areas identified in KMC 18.21.035(B). These standards are not applicable to development, redevelopment, or remodeling of an existing or new principal single-family unit.
 3. The following are the development incentives available to applicants if all requirements are met as specified below. Applicants are limited to one development incentive per neighborhood benefit.

<u>APPLICABLE MIDDLE HOUSING TYPE</u>	<u>NEIGHBORHOOD BENEFIT</u>	<u>DEVELOPMENT INCENTIVE</u>
<u>Duplex, Triplex, Cottage Housing</u>	<u>Building height limited to 27' with a maximum of two stories.</u>	<u>Reduce rear and street setbacks to 10'.</u>
<u>Duplex, Stacked Flat</u>	<u>Redevelop an existing single-family unit with a duplex or stacked flat and maintain the base floor footprint of the existing home.</u>	<u>Density bonus of two additional units totaling up to four units per lot</u>
<u>Cottage housing</u>	<u>Gross floor area for an individual cottage set to a maximum of 1,200 square feet.</u>	<u>Density bonus of up to 50% of the unit density</u>

18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.

The following uses listed in Table C are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-12, R-18 and R-24:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Table C. R-12, R-18, and R-24 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>Air transportation service¹</i>	<i>Ambulatory surgery center²⁵</i>	<i>Adult entertainment business</i>
<i>Arts, entertainment, indoor^{2,3}</i>	<i>Arts, entertainment, outdoor²⁶</i>	<i>Animal kennel/shelter</i>
<i>College/university^{4,5}</i>	<i>Cemetery, columbarium or mausoleum²⁷</i>	<i>Auction house</i>
<i>Community residential facility</i>	<i>Eating and drinking place^{3,28}</i>	<i>Automotive sales and service, marine</i>
<i>Construction and trade⁶</i>	<i>Hospital⁵</i>	<i>Automotive sales and service, non-marine</i>
<i>Day care⁷</i>	<i>Personal service²⁹</i>	<i>Business service, intensive</i>
<i>Educational service⁸</i>	<i>Recreational facility, indoor^{3,30,31}</i>	<i>Business service, standard</i>
<i>Family child-care home⁹</i>	<i>Regional land use³²</i>	<i>Cannabis business</i>
<i>Fire or police facility^{10,11,12}</i>	<i>Retail sales^{29,33}</i>	<i>Cannabis cooperative</i>
<i>Health care and social assistance^{4,5,13}</i>	<i>Temporary lodging³⁴</i>	<i>Funeral home/crematory</i>
<i>Manufactured housing community</i>	<i>Warehousing³⁵</i>	<i>Laboratory</i>
<i>Multiple-family dwelling</i>		<i>Manufacturing, heavy</i>
<i>Office¹⁴</i>		<i>Manufacturing, light</i>
<i>Park¹⁵</i>		<i>Mobile food service</i>
<i>Recreational facility, outdoor^{16,17}</i>		<i>Resource land use</i>
<i>Religious institution¹⁸</i>		<i>Retail sales, bulk</i>
<i>Single detached dwelling unit^{19,20}</i>		<i>Secure facility</i>
<i>Standalone parking²¹</i>		<i>Transportation</i>
<i>Supportive living facility</i>		<i>Vehicle or equipment rental</i>
<i>Utility facility^{22,23,24}</i>		<i>Vehicle refueling station</i>
		<i>Wholesale trade</i>

- 1 1. One single-engine, noncommercial seaplane shall be permitted only on *lots* that abut a
2 waterbody, provided there are (a) no aircraft sales, service, repair, charter, or rental; and (b) no
3 storage of aviation fuel except that contained in the tank or tanks of the aircraft. A *helistop* at
4 an *emergency* medical evacuation site in conjunction with a police, fire or health service facility
5 is a conditional use. All other *air transportation service* uses are prohibited.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 2. Museums and libraries permitted only as accessory to a *park* or in a *building* listed on the
2 National Register as an historic site or designated as a *City* landmark subject to
3 Chapter [18.50](#) KMC; otherwise, a *conditional use permit* is required. Artist studios permitted only
4 as a re-use of a surplus nonresidential facility subject to Chapter [18.50](#) KMC or as a joint use of
5 an existing public school facility; otherwise a *conditional use permit* is required. For all
6 other *arts, entertainment, indoor uses*, a *conditional use permit* is required, except theater, which
7 is prohibited.
- 8 3. *Social card games* are prohibited.
- 9 4. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC.
- 10 5. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to
11 Chapter [18.50](#) KMC.
- 12 6. Permitted when:
 - 13 a. Located in the R-24 zone; and
 - 14 b. On a *site in office or construction and trade office uses* as of May 8, 2003; and
 - 15 c. Part of a *mixed use development*; and
 - 16 d. Limited to 15,000 square feet; and
 - 17 e. No *outdoor storage* of equipment occurs.
- 18 Otherwise, prohibited.
- 19 7. *Day care II* permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC,
20 or an *accessory use* to a school, *religious institution, park, sports club* or public housing
21 administered by a *public agency*, and:
 - 22 a. Outdoor play areas shall be completely enclosed by a solid wall or *fence*, with no openings
23 except for gates and have a minimum height of six feet;
 - 24 b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines
25 adjoining residential zones;
 - 26 c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - 27 d. Hours of operation may be restricted to assure compatibility with surrounding development.
- 28 Otherwise, *day care II* requires a *conditional use permit*.
- 29 8. K-12 facilities only, except vocational school which is permitted only as a re-use of a surplus
30 nonresidential facility subject to Chapter [18.50](#) KMC unless a *conditional use permit* is obtained.
31 All other *educational service uses* require a *conditional use permit*.
- 32 9. A *family child-care home* is subject to the requirements established by the Washington State
33 Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the
34 following requirements:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
- 2 b. A safe passenger loading area shall be provided;
- 3 c. The *family child-care home* shall comply with all applicable building, fire, safety, and health
- 4 codes enforced by the *City*;
- 5 d. The *family child-care home* shall comply with all applicable development standards of the *City*,
- 6 unless determined to be legally nonconforming;
- 7 e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
- 8 f. The *City* has the authority to limit the hours of operation to facilitate neighborhood
- 9 compatibility.
- 10 10. Limited to "storefront" police offices. Such offices shall not have:
 - 11 a. Holding cells;
 - 12 b. Suspect interview rooms; or
 - 13 c. Long-term storage of stolen properties.
- 14 All other police facilities require a *conditional use permit*.
- 15 11. Fire facilities require a *conditional use permit*, subject to the following:
 - 16 a. All *buildings* and *structures* shall maintain a minimum distance of 20 feet from property lines
 - 17 adjoining residential zones;
 - 18 b. Any *buildings* from which fire-fighting equipment emerges onto a *street* shall maintain a
 - 19 distance of 35 feet from such *street*; and
 - 20 c. No *outdoor storage*.
- 21 12. Fire or police training facilities such as shooting ranges, auto test tracks, and fire
- 22 suppression simulations are prohibited.
- 23 13. Veterinary clinics are prohibited.
- 24 14. *Public agency* or *utility office* is permitted only as a re-use of a public school facility or a
- 25 surplus nonresidential facility subject to the provisions of Chapter [18.50](#) KMC. All other *office*
- 26 *uses* require a *conditional use permit*.
- 27 15. The following conditions and limitations shall apply, where appropriate:
 - 28 a. Lighting for *structures* and fields shall be directed away from residential areas;
 - 29 b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines
 - 30 adjoining residential zones, except for *structures* in on-site recreation areas provided under
 - 31 KMC [18.30.130](#) or Chapter [20.47](#) KMC. Setback requirements for *structures* in these on-site
 - 32 required recreation areas shall be maintained in accordance with the zoning standards for the
 - 33 underlying residential zone.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

16. Golf course facility only permitted. Clubhouses, maintenance *buildings*, equipment storage areas and driving range tees shall be at least 50 feet from residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining residential zones. Applications shall comply with adopted best management practices for golf course development. All other *outdoor recreational facility uses* are conditional uses, except *stable*, RV park, and shooting range, which are prohibited.

17. Conditional uses are subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

18. Permitted only as a re-use of a public school facility subject to Chapter [18.50](#) KMC. Other *religious institutions* require a *conditional use permit*.

19. More than one *single detached dwelling unit* may be allowed on an individual *lot* through the *conditional use permit* process. A *conditional use permit* is not required for *lots* in subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for *accessory dwelling units*.

20. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing communities*. *Designated manufactured homes* are not restricted to *manufactured housing communities*.

21. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. They are located on existing parking lots for *religious institutions*, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

b. The *site* is adjacent to a designated arterial that has been improved to a standard acceptable to the *department*.

Otherwise a *conditional use permit* is required.

22. *Bulk gas storage tanks* which pipe to individual residences require a *conditional use permit*. All other *bulk gas storage tanks*, including liquefied natural gas storage tanks, are prohibited.

23. *Private stormwater management facilities* permitted except when participating in an approved shared facility drainage plan. *Private stormwater management facilities* shall be located on the same *lot* that they are designed to serve except in subdivisions or short subdivisions that set aside a separate tract for such facilities. For shared facilities, such facilities which are not located on the *lot* they are designed to serve shall be located on a *lot* with the same or more intensive zoning designation.

24. *Hydroelectric generation facilities* are prohibited. A *nonhydroelectric generation facility* may be conditionally permitted as a *cogeneration* facility for on-site use only.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 25. Conditionally permitted only as a re-use of a surplus nonresidential facility subject to
- 2 Chapter [18.50](#) KMC.
- 3 26. Arboretum only.
- 4 27. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining
- 5 residential zones.
- 6 28. Excluding drinking places, and limited to a maximum of 5,000 square feet of gross floor area
- 7 and subject to KMC [18.21.070](#).
- 8 29. Limited to a maximum of 5,000 square feet of gross floor area and subject to the additional
- 9 requirements in KMC [18.21.070](#).
- 10 30. Conditional *uses* are subject to the following conditions and limitations:
- 11 a. The bulk and scale shall be compatible with residential character of the area;
- 12 b. For *sports clubs*, the gross floor area shall not exceed 10,000 square feet unless
- 13 the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless
- 14 the *building* is a nonprofit facility; and
- 15 c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing
- 16 supervised instructional or athletic programs.
- 17 31. Bowling center and shooting range are prohibited.
- 18 32. Amusement park, fairground, and stadium/arena are prohibited.
- 19 33. Auto supply stores and pet shops are prohibited.
- 20 34. Bed and breakfast guesthouse only, subject to the following conditions:
- 21 a. The guesthouse shall be owner-occupied;
- 22 b. Meals shall be served to paying guests only (no restaurant use permitted);
- 23 c. The number of guestrooms shall not be greater than that authorized by the International
- 24 Building and Fire Codes;
- 25 d. Parking shall be provided as required by this title; and
- 26 e. The guesthouse shall be compatible with the neighborhood character as determined by
- 27 the *city manager*, and shall not create significant adverse neighborhood effects that cannot be
- 28 mitigated.
- 29 35. *Self-service storage* only permitted and only if accessory to an *apartment development* of at
- 30 least 12 units, provided:
- 31 a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of
- 32 the *apartment* dwellings on the *site*;
- 33 b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 c. The use of the facility shall be limited to dead storage of household goods;
- 2 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- 3 e. No *outdoor storage* or storage of flammable liquids, highly combustible or explosive materials
- 4 or hazardous chemicals;
- 5 f. No residential occupancy of the storage units;
- 6 g. No business activity other than the rental of storage units; and
- 7 h. A resident director shall be required on the *site* and shall be responsible for maintaining the
- 8 operation of the facility in conformance with the conditions of approval.
- 9 [Ord. 24-0607 § 2 (Exh. A(VI)); Ord. 19-0481 § 2 (Exh. A); Ord. 18-0463 § 3 (Exh. 2); Ord. 17-0438
- 10 § 2 (Att. A); Ord. 16-0426 § 5 (Att. C); Ord. 16-0421 § 2 (Att. A); Ord. 14-0384 § 5; Ord. 11-0329
- 11 § 3 (Exh. 1).]

12 **18.21.045 Residential zone MHC – Use allowances.**

13 The following uses listed in Table D are identified as *permitted*, conditionally permitted,

14 or *prohibited uses* in residential zone MHC:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Day care ¹	Community residential facility	Adult entertainment business
Family child-care home ²	Cemetery, columbarium or mausoleum	Air transportation service
Manufactured housing community ⁸	Educational service ⁶	Ambulatory surgery center
Park ³	Religious institution	Animal kennel/shelter
Single detached dwelling unit ^{4,5}	Supportive living facility	Arts, entertainment, indoor
	Temporary lodging ⁷	Arts, entertainment, outdoor
		Auction house
		Automotive sales and service, marine
		Automotive sales and service, nonmarine
		Business service, intensive
		Business service, standard
		Cannabis business
		Cannabis cooperative

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Table D. MHC Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		<i>College/university</i>
		<i>Construction and trade</i>
		<i>Eating and drinking place</i>
		<i>Fire or police facility</i>
		<i>Funeral home/crematory</i>
		<i>Health care and social assistance</i>
		<i>Hospital</i>
		<i>Laboratory</i>
		<i>Manufacturing, heavy</i>
		<i>Manufacturing, light</i>
		<i>Mobile food service</i>
		<i>Multiple-family dwelling</i>
		<i>Office</i>
		<i>Personal service</i>
		<i>Recreational facility, indoor</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Standalone parking</i>
		<i>Transportation</i>
		<i>Utility facility</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 1. *Day care I* is permitted. *Day care II* is permitted only as an *accessory use* to a *religious*
- 2 *institution, park* or public housing administered by a *public agency*, and:
 - 3 a. Outdoor play areas shall be completely enclosed by a solid wall or *fence* with no openings
 - 4 except for gates and have a minimum height of six feet;
 - 5 b. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines
 - 6 adjoining residential zones;
 - 7 c. Direct access to a developed arterial *street* shall be required in any residential zone; and
 - 8 d. Hours of operation may be restricted to assure compatibility with surrounding *development*.
 - 9 Otherwise, *day care II* requires a *conditional use permit*.
- 10 2. A *family child-care home* is subject to the requirements established by the Washington State
- 11 Department of Early Learning (DEL) in WAC Title [170](#). The *family child-care home* shall meet the
- 12 following requirements:
 - 13 a. The family child-care provider shall be licensed by DEL to operate a *family child-care home*;
 - 14 b. A safe passenger loading area shall be provided;
 - 15 c. The *family child-care home* shall comply with all applicable building, fire, safety, and health
 - 16 codes enforced by the *City*;
 - 17 d. The *family child-care home* shall comply with all applicable development standards of the *City*,
 - 18 unless determined to be legally nonconforming;
 - 19 e. All signage shall conform to the applicable requirements of Chapter [18.42](#) KMC; and
 - 20 f. The *City* has the authority to limit the hours of operation to facilitate neighborhood
 - 21 compatibility.
- 22 3. The following conditions and limitations shall apply, where appropriate:
 - 23 a. Lighting for *structures* and fields shall be directed away from residential areas;
 - 24 b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines
 - 25 adjoining residential zones.
- 26 4. One *single detached dwelling unit* only per existing legal lot as of April 23, 2019.
- 27 5. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing*
- 28 *communities*. *Designated manufactured homes* are not restricted to *manufactured housing*
- 29 *communities*.
- 30 6. K-12 facilities only. All other *educational service uses* are prohibited.
- 31 7. Bed and breakfast guesthouse only, subject to the following conditions:
 - 32 a. The guesthouse shall be owner-occupied;
 - 33 b. Meals shall be served to paying guests only (no restaurant use permitted);

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- c. The number of guestrooms shall not be greater than that authorized by the International Building and Fire Codes;
- d. Parking shall be provided as required by this title; and
- e. The guesthouse shall be compatible with the neighborhood character as determined by the *city manager*, and shall not create significant adverse neighborhood effects that cannot be mitigated.
8. For properties continuing in an existing *manufactured housing community use* after April 23, 2019, a *transfer of density credits* shall be permitted. See Chapter [18.80](#) KMC.
- [Ord. 24-0607 § 2 (Exh. A(VII)); Ord. 19-0481 § 2 (Exh. A).]

18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.

The following zone-specific development standards in Table E apply in the R-12, R-18, R-24, R-48, and MHC residential zones:

Table E. R-12, R-18, R-24, R-48, and MHC Residential Zones Development Standards

STANDARDS	ZONES					
		R-12	R-18	R-24	R-48	MHC ¹²
Base Density: <i>Dwelling Unit/Acre</i> ¹		12 du/ac	18 du/ac	24 du/ac	48 du/ac	12 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ²		18 du/ac	27 du/ac	36 du/ac	72 du/ac	18 du/ac
Minimum Density ¹¹		80%	75%	70%	65%	80%
Minimum Lot Width ⁴		30 ft.	30 ft.	30 ft.	30 ft.	--
Minimum <i>Street Setback</i>		10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft.
Minimum <i>Side Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Minimum <i>Rear Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Base Height ⁸		60 ft.	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	35 ft.
Maximum <i>Impervious Surface</i> : Percentage ¹⁰		85%	85%	85%	90%	85%
Minimum Lot Size		--	--	--	--	--

¹ Density applies only to *dwelling units* and not to sleeping units.

² This maximum density may be achieved only through the application of residential density incentives pursuant to Chapter [18.80](#) KMC or *transfers of density credits*, or any combination of

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 density incentive or density transfer. Maximum density may only be exceeded pursuant to
- 2 KMC [18.80.040](#)(E)(1)(f).
- 3 ³ These standards may be modified under the provisions for *zero-lot-line developments*.
- 4 ⁴ The *building envelope* is determined through meeting minimum lot size and minimum lot width
- 5 measurement requirements (KMC [18.30.110](#)).
- 6 ⁵ Vehicle access points from garages, carports or fenced parking areas shall be set back from
- 7 the property line on which a *joint use driveway* is located to provide a straight line length of at
- 8 least 26 feet as measured from the centerline of the garage, carport or fenced parking area,
- 9 from the access point to the opposite side of the *joint use driveway*.
- 10 ⁶ At least 20 linear feet of driveway shall be provided between any garage, carport or other
- 11 fenced parking area and the *street* property line. The linear distance shall be measured along
- 12 the centerline of the driveway from the access point to such garage, carport or fenced area to
- 13 the *street* property line.
- 14 ⁷ a. For *developments* consisting of three or more single detached dwellings located on a
- 15 single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6,
- 16 except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have
- 17 a *setback* of five feet.
- 18 b. For *townhouse* and *apartment development*, the *setback* shall be 20 feet along any property
- 19 line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in
- 20 KMC [18.30.130](#), which shall have a *setback* of five feet, unless the *townhouse* or *apartment*
- 21 *development* is adjacent to property upon which an existing *townhouse* or *apartment*
- 22 *development* is located.
- 23 ⁸ In the R-12, R-18, R-24 and R-48 zones, height limits may be increased when portions of
- 24 the *structure* which exceed the base height limit provide one additional foot of *street* and
- 25 interior *setback* for each foot above the base height limit, provided the maximum height may not
- 26 exceed 75 feet. Netting or fencing and support *structures* for the netting or fencing used to
- 27 contain golf balls in the operation of golf courses or golf driving ranges are exempt from the
- 28 additional interior *setback* requirements; provided, that the maximum height shall not exceed 75
- 29 feet.
- 30 ⁹ The base height to be used only for projects as follows:
- 31 a. In R-18, R-24 and R-48 zones using residential density incentives and *transfer of density*
- 32 *credits* pursuant to this title.
- 33 ¹⁰ Applies to each individual *lot*. *Impervious surface* area standards for:
- 34 a. Regional *uses* shall be established at the time of permit review;
- 35 b. Nonresidential *uses* in residential zones shall comply with KMC [18.21.060](#) and [18.30.170](#);
- 36 c. *Lots* may be increased beyond the total amount permitted in this chapter subject to approval
- 37 of a *conditional use permit*.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

¹¹ Minimum density is determined by multiplying the allowable number of dwelling units, as calculated using KMC [18.30.020](#), by the percentage shown for each zone.

¹² See also the standards in KMC [18.50.140](#).

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

18.21.055 MHC zoning exception.

A. A *manufactured housing community* landowner may request an exception from the application of the MHC zoning to their property through a Type 4 permit process as described in Chapter [19.25](#) KMC.

B. Along with other information required by the *department*, the application shall include information demonstrating that:

1. There is no *reasonable use* of the MHC property under the MHC zoning;
2. The *uses* authorized by the MHC zoning are not economically viable at the property's location; and
3. The proposal meets the zone reclassification criteria in KMC [18.115.060](#).

If, based on the information provided, the request is granted by the city council, the property shall revert to the zoning designation in place on April 23, 2019, without further action by the council. If necessary, a comprehensive plan map amendment to recognize that zoning designation shall be initiated by the *City*. [Ord. 19-0481 § 2 (Exh. A).]

18.21.060 Nonresidential land uses in residential zones.

Except for *utility facilities*, *regional land uses*, and nonresidential *uses* regulated by KMC [18.21.070](#), all nonresidential *uses* located in the R zones shall be subject to the following requirements:

A. *Impervious surface* coverage shall not exceed:

1. Seventy percent of the *site* in the R-1 through R-6 zones.
2. Eighty percent of the *site* in the R-12 through R-48 and MHC zones.

B. *Buildings* and *structures*, except *fences* and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection C of this section.

C. A single detached dwelling allowed as accessory to a church or school shall conform to the *setback* requirements of the zone.

D. Parking areas are permitted within the required *setback* area from property lines, provided such parking areas are located outside of the required landscape area.

E. *Sites* shall abut or be accessible from at least one public *street* functioning at a level consistent with the *City street* design standards. New *high school sites* shall abut or be accessible from a public *street* functioning as an arterial per the *City* design standards.

F. The base height shall conform to the zone in which the *use* is located.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 G. *Building* illumination and lighted *signs* shall be designed so that no direct rays of light are
2 projected into neighboring residences or onto any *street* right-of-way. [Ord. 19-0481 § 2 (Exh. A);
3 Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3 (Exh. 1).]

4 **18.21.070 Personal service, eating and drinking place and retail sales uses in R-4 through R-**
5 **24 zones.**

6 *Personal service uses, eating and drinking place uses, and retail sales uses* which are located in
7 the R-4 through R-24 zones shall be subject to the following requirements:

8 A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the
9 combined total of all contiguous commercial establishments shall not exceed 15,000 square
10 feet of gross floor area;

11 B. Establishments shall not be located less than one mile from another commercial
12 establishment, unless located with other establishments meeting the criteria in subsection A of
13 this section;

14 C. Establishment *sites* shall abut an intersection of two public *streets*, each of which is
15 designated as a neighborhood collector or arterial and which has improved pedestrian facilities
16 for at least one-fourth mile from the *site*;

17 D. The maximum on-site parking ratios for establishments and *sites* shall be two per 1,000
18 square feet and required parking shall not be located between the *building(s)* and the *street*;

19 E. *Buildings* shall comply with the *building facade modulation* and roofline variation requirements
20 in KMC [18.50.080](#) and at least one facade of the *building* shall be located within five feet of the
21 sidewalk;

22 F. If the *personal service, eating and drinking place, or retail sales use* is located in a *building* with
23 multifamily *uses*, then the commercial *use* shall be on the *ground floor* and shall not exceed 25
24 percent of the total floor area of the *building*; and

25 G. *Sign* and *landscaping* standards for the *use* apply. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3
26 (Exh. 1).]

27 **18.21.073 Accessory uses.**

28 *Accessory uses*, when consistent with the definition in Chapter [18.20](#) KMC, are allowed as
29 determined by the *city manager*. [Ord. 17-0438 § 3 (Att. B).]

30 **18.21.075 Drive-through service.**

31 *Drive-through service* is prohibited in these zoning districts. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-
32 0438 § 3 (Att. B).]

33 **18.21.078 Outdoor storage.**

34 *Outdoor storage* is prohibited in these zoning districts. [Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438
35 § 3 (Att. B).]

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.21.080 Wireless communication facilities.**

2 Use allowances and development regulations for *wireless communication facilities* are located
3 in Chapter [18.60](#) KMC. [Ord. 16-0426 § 6 (Att. D).]

4

5

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.30

DEVELOPMENT STANDARDS – GENERAL

Sections:

- [18.30.010 Purpose.](#)
- [18.30.015 Burke-Gilman Trail.](#)
- [18.30.020 Density calculations – Allowable dwelling units, lots or floor area.](#)
- [18.30.040 Fences.](#)
- [18.30.050 Height – Measurement method.](#)
- [18.30.060 Height – Exceptions to limits.](#)
- [18.30.070 Light and glare.](#)
- [18.30.080 Lot area – Prohibited reduction.](#)
- [18.30.090 Lot area – Minimum lot area for construction.](#)
- [18.30.100 Lot divided by zone boundary.](#)
- [18.30.110 Lot width – Measurement method.](#)
- [18.30.112 Cannabis businesses – Standards.](#)
- [18.30.113 Outdoor storage for nonresidential uses.](#)
- [18.30.115 Public nuisance – Prohibited activities.](#)
- [18.30.130 Recreation space – On-site areas.](#)
- [18.30.140 Recreation space – Maintenance.](#)
- [18.30.150 Recreation space – Financial guarantees.](#)
- [18.30.155 Recreational vehicles.](#)
- [18.30.160 Setbacks – Measurement.](#)
- [18.30.170 Setbacks – Specific building or use.](#)
- [18.30.190 Setbacks – Modifications.](#)
- [18.30.200 Setbacks – From regional utility corridors.](#)
- [18.30.210 Setbacks – From alley.](#)
- [18.30.220 Setbacks – Required modifications.](#)
- [18.30.230 Setbacks – Projections and structures allowed.](#)
- [18.30.240 Sight distance requirements.](#)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

18.30.250 Storage space and collection points for trash and recyclables.

18.30.260 Trail corridors – Applicability.

18.30.270 Trail corridors – Design standards.

18.30.280 Trail corridors – Maintenance of trail corridors/improvements.

18.30.290 Relocation plan for manufactured housing communities.

18.30.010 Purpose.

The purpose of this chapter is to establish basic standards for *development* relative to residential density, dimensional requirements and specific rules for general application. The standards and rules are established to provide flexibility in project design, maintain privacy between adjacent uses and meet the on-site recreation needs of project residents. [Ord. 11-0329 § 3 (Exh. 1).]

18.30.015 Burke-Gilman Trail.

A. RB-zoned properties which lie north of NE 175th Street shall provide 10 feet of Type II *landscaping* along the common property boundary with the Burke-Gilman public trail right-of-way. Property owners may negotiate with King County to have the Type II *landscaping* located within the Burke-Gilman public right-of-way.

B. The Burke-Gilman Trail shall be considered a public right-of-way for purposes of Sections [18.52.180](#), [18.52.200](#), [18.52.230](#), [18.52.240](#), and [18.52.310](#) of Chapter [18.52](#) KMC (Design Standards). [Ord. 23-0574 § 2 (Exh. A); Ord. 14-0391 § 2 (Exh. 1).]

18.30.020 Density calculations – Allowable dwelling units, lots or floor area.

Permitted number of *dwelling units* or *lots* or floor area shall be determined as follows:

A. The allowed number of *dwelling units* or *lots* (base density) shall be computed by multiplying the *site area* by the applicable residential base density number;

1. Areas specified within KMC 18.21.035(B) are permitted at least 2 dwelling units per lot per the requirements of KMC 18.21.030, Footnote 18.

B. The maximum density (unit or lot) limits shall be computed by adding the bonus or transfer units authorized by Chapter [18.80](#) KMC to the base units computed under subsection A of this section;

C. The allowed floor area shall be computed by applying the *floor area ratio* to the project *site area*; and

D. Except for short subdivisions of four or fewer *lots*, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded up; and
2. Fractions below 0.50 shall be rounded down.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

E. When density calculations result in a fraction, the permitted number of *lots* derived from short subdivisions of four or fewer *lots* shall be rounded as follows:

1. For a short subdivision resulting in less than two *lots* (base density) as described in subsection A of this section, fractions of 0.85 shall be rounded up to the nearest whole number and fractions below 0.85 shall be rounded down.
2. For a short subdivision resulting in more than two but less than three *lots* (base density) as described in subsection A of this section, fractions of 0.75 shall be rounded up to the nearest whole number and fractions below 0.75 shall be rounded down.
3. For a short subdivision resulting in more than three *lots* but less than four *lots* (base density) as described in subsection A of this section, fractions of 0.60 shall be rounded up to the nearest whole number and fractions below 0.60 shall be rounded down. [Ord. 11-0329 § 3 (Exh. 1).]

...

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.40

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

Sections:

[18.40.010 Purpose.](#)

[18.40.020 Authority and application.](#)

[18.40.030 Computation of required off-street parking spaces.](#)

[18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.](#)

[18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.](#)

[18.40.040 Shared parking requirements.](#)

[18.40.050 Exceptions for community residential facilities \(CRF\) and senior citizen assisted living.](#)

[18.40.055 Parking for certain types of development served by transit.](#)

[18.40.060 Parking for the disabled.](#)

[18.40.070 Loading space and loading dock requirements.](#)

[18.40.080 Stacking spaces for drive-through facilities.](#)

[18.40.090 Transit and rideshare provisions.](#)

[18.40.100 Pedestrian and bicycle circulation and access.](#)

[18.40.110 Off-street parking plan design standards.](#)

[18.40.120 Off-street parking construction standards.](#)

[18.40.130 Compact car allowance requirements.](#)

[18.40.140 Internal circulation road standards.](#)

18.40.010 Purpose.

The purpose of this chapter is to provide adequate parking for all uses allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by:

A. Setting minimum off-street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers;

B. Providing incentives to rideshare through preferred parking arrangements;

C. Providing for parking and storage of bicycles;

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

D. Requiring the use of permeable surfacing unless infeasible;

E. Providing safe, direct pedestrian access from public rights-of-way to *structures* and between *developments*; and

F. Requiring *uses* which attract large numbers of employees or customers to provide transit stops. [Ord. 16-0428 § 13 (Att. I); 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 [18.40.035](#), [18.40.040](#), [18.40.050](#), [18.40.055](#) 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.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
Single detached dwelling unit	2.0 per dwelling unit	2.0 per dwelling unit; tandem stalls permitted
<u>Duplex, Triplex, and Fourplex</u>	1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. 3. Tandem stalls permitted.	1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. 3. Tandem stalls permitted.
Townhouse	1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. 3. Tandem stalls permitted.	1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. 3. Tandem stalls permitted.
▼	▼	▼
Apartment:		
Microhousing dwelling unit	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted
Studio unit	1.2 per dwelling unit	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per dwelling unit	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per dwelling unit	1.5:du; tandem stalls permitted
Three-bedroom unit or larger	2.0 per dwelling unit	1.7:du; tandem stalls permitted

Deleted: 2.0 per dwelling unit

Deleted: 1.5 per dwelling unit; tandem stalls permitted

Deleted: Guest parking

Deleted: 1 space for every 5 units

Deleted: 1 space for every 5 units

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Guest parking	1 space for every 5 units	1 space for every 5 units
<u>Courtyard Apartments and Stacked Flats</u>	1. 1.0 per dwelling unit; or 2. No required parking within one-half mile walking distance of a major transit stop. 3. Guest parking required per the apartment standard in this table.	1. 1.0 per dwelling unit 2. No required parking within one-half mile walking distance of a major transit stop. 3. Guest parking required per the standard in this table.
<u>Cottage Housing</u>	1.0 per two dwelling units; If located in areas specified in KMC 18.21.035(B): 1. No required parking within one-half mile walking distance of a major transit stop.	1. 1.0 per two dwelling units; or 2. No required parking within one-half mile walking distance of a major transit stop.
Manufactured housing community	2.0 per dwelling unit	2.0 per dwelling unit
Senior citizen assisted living	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
Community residential facility	1 per 2 bedrooms	1 per 2 bedrooms
Dormitory, including religious	1 per 2 bedrooms	1 per 2 bedrooms
Hotel/motel	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(city manager)	(city manager)

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 139

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
<i>Artist studio</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses</i>	1 per 300 square feet	1 per 300 square feet

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 140

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Religious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic office	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facility	1 per 4 beds	–
<i>Hospital</i>	1 per bed	1 per bed
Elementary school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
Secondary schools:		
Middle/junior high school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High school	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High school with stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
		students, or 1 per 3 fixed seats in stadium
Vocational school	1 per school classroom, plus 1 per 5 students	1 per school classroom, plus 1 per 5 students
Specialized instruction school	1 per school classroom, plus 1 per 2 students	1 per school classroom, plus 1 per 2 students
College/university	1 per 2 commuting students, faculty and staff	–
GOVERNMENT/BUSINESS SERVICES:		
Government/business services land uses	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	–
Public agency archive	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Court	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Fire or police facility	(city manager)	(city manager)
Construction and trade	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

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 142

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
<i>Self-service storage</i>	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
RETAIL/WHOLESALE:		
<i>Retail land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
<i>Vehicle refueling stations w/o grocery</i>	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
<i>Vehicle refueling stations w/grocery, no service bays</i>	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 143

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

LAND USE	MINIMUM PARKING SPACES REQUIRED	MINIMUM PARKING SPACES REQUIRED
	Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
Retail sales and wholesale trade mixed use	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
Manufacturing land uses	0.9 per 1,000 square feet	–
Exceptions:		
Winery/brewery	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES:		
Resource land uses	(city manager)	–
REGIONAL:		
Regional land uses	(city manager)	(city manager)

B. An *applicant* may request a modification of the minimum required number of *parking spaces* by providing a parking demand analysis demonstrating that parking demand can be met with a reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to 50 percent of the minimum required number of spaces.

C. When the *City* has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* results in different parking requirements, the *city manager* will establish the amount of parking based on a likely range of *uses*.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles except as follows:
 - a. The *city manager* may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.
 - b. The *city manager* may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following *uses*:
 - (1) *Park/playfield*;
 - (2) *Marina*;
 - (3) *Library/museum/arboretum*;
 - (4) *Elementary/secondary school*;
 - (5) *Sports club*; or
 - (6) *Retail business* (when located along a developed bicycle *trail* or designated bicycle route).
2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement.
3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
4. When more than 10 people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The *city manager* shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.
5. One indoor bicycle storage space shall be provided for every two *dwelling units* in *townhouse* and *apartment* residential *uses*, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

G. Tree Retention – DC and DR Zones. Where an applicant proposes retention of *trees* in accordance with KMC [18.35.100\(G\)](#) in the DC and DR zones, the *city manager* may reduce parking requirements by one *parking space* for every two *significant trees* that are saved in excess of the significant tree ordinance requirements.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

H. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*. [Ord. 24-0609 § 2 (Exh. A); Ord. 23-0574 § 2 (Exh. A); Ord. 19-0488 § 5 (Exh. 3); Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0428 § 13 (Att. I); Ord. 16-0415 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.40.035 Parking in the urban residential zone, downtown commercial zone east of 73rd Avenue NE, public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea.

Parking in the urban residential zone, the downtown commercial zone east of 73rd Avenue NE, the public and semi-public zone abutting SR-522, and the urban corridor zone, east subarea, should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development shall provide parking as follows:

A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the minimum requirement computed according to the provisions of KMC [18.40.030](#).

B. Minimum residential parking shall be supplied at the following ratios:

1. One-half parking space per dwelling unit.
2. One-half additional parking space per every five dwelling units shall be provided and designated as guest parking for use by all guests.
3. There are no minimum parking requirements for multifamily residential developments specifically for housing senior citizens or people with disabilities. For residential developments specifically for housing senior citizens, an applicant shall prepare a parking demand analysis to determine parking requirements for staff and visitors. Parking requirements for senior citizen assisted living facilities are addressed in KMC [18.40.030\(A\)](#) and [18.40.050](#).

C. The following factors shall count towards minimum parking standards for residential and nonresidential development:

1. On-street parking immediately adjoining a property proposed for development or provided as part of the proposed development may be counted toward the minimum parking requirement.
2. Shared parking among uses is encouraged. Developments that propose shared parking arrangements shall submit a *parking management plan* that describes the terms and conditions of shared parking arrangements on site.

D. Maximum parking shall not exceed the minimum requirement calculated under the provisions of KMC [18.40.030](#).

1. Applicants may be allowed to exceed the maximum parking if the applicant can produce a parking study that demonstrates probable on-site parking needs that are

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

significantly higher than similar uses. This traffic study shall be subject to review by the *city manager* before approval for additional parking is granted. All parking granted in excess of the maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

E. All other parking requirements shall be as provided in this chapter.

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

18.40.038 Exceedance of minimum parking – Downtown commercial zone, downtown residential zone, urban corridor zone, east subarea, and urban residential zone.

Provision of parking in excess of the minimum parking requirements shall require the excess parking be included in a structured parking garage, or under *building* and screened from the *street frontage*, unless the additional parking is associated with a phased, *mixed use development* and is interim in nature.

Exception: This section, as adopted by Ordinance No. 23-0574, shall not apply to certain real properties located within the area of the transit oriented development (TOD) district overlay as identified in KMC [18.29.020](#) and Figure 18.29.020.1, and as further identified by the following tax parcel numbers (TPN): TPN 011410-0889, TPN 011410-0881, TPN 011410-0870, TPN 011410-0885, TPN 011410-0865, TPN 011410-0860, and TPN 011410-0855. [Ord. 23-0574 § 2 (Exh. A).]

18.40.040 Shared parking requirements.

The amount of off-street parking required by KMC [18.40.030](#) may be reduced by an amount determined by the *city manager* when shared parking facilities for two or more *uses* are proposed, provided:

- A. The total parking area exceeds 5,000 square feet;
- B. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no *building* or *use* involved is more than 800 feet from the most remote shared facility;
- C. The amount of the reduction shall not exceed 10 percent for each *use*, unless:
 - 1. The normal hours of operation for each *use* are separated by at least one hour; or
 - 2. A parking demand study is prepared by a professional traffic engineer and submitted by the *applicant* documenting that the hours of actual parking demand for the proposed *uses* will not conflict and those *uses* will be served by adequate parking if shared parking reductions are authorized;

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

3. The *use* is a *mixed use development* pursuant to KMC [18.50.120](#), in which case a 25 percent reduction may be granted;

4. The *city manager* will determine the amount of reduction subject to subsection D of this section;

D. The total number of *parking spaces* in the common parking facility is not less than the minimum required spaces for any single *use*;

E. A covenant or other contract for shared parking between the cooperating property owners is approved by the *city manager*. This covenant or contract must be recorded with the *City* as a deed restriction on both properties and cannot be modified or revoked without the consent of the *city manager*; and

F. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *city manager* or provide the full amount of required off-street parking for each *use*, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *city manager*. [Ord. 11-0329 § 3 (Exh. 1).]

18.40.050 Exceptions for community residential facilities (CRF) and senior citizen assisted living.

A. The minimum requirement of one off-street *parking space* per two bedrooms for *CRFs* and one off-street *parking space* per two *senior citizen assisted living* units may be reduced by up to 50 percent, as determined by the *city manager* based on the following considerations:

1. Availability of *private*, convenient transportation services to meet the needs of the residents;
2. Accessibility to and frequency of public transportation; and
3. Pedestrian access to health, medical, and shopping facilities.

B. If a *CRF* facility or *senior citizen assisted living* facility is no longer used for such purposes, additional off-street *parking spaces* shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

C. The parking requirements of KMC [18.40.055](#), if applicable, shall apply. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.40.055 Parking for certain types of development served by transit.

Affordable housing shall be as defined under KMC [18.20.098](#). Housing for seniors shall be defined as housing restricted to those meeting the definition of “senior citizen” as found in KMC [18.20.2500](#).

Notwithstanding any other provision in this title, the following types of development shall have the following parking requirements:

A. Transit Serving *Very Low-Income Affordable Housing Units* and *Extremely Low-Income Affordable Housing Units*.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. For *very low-income affordable housing units* or *extremely low-income affordable housing units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least two times per hour for 12 or more hours per day, residential parking requirements shall be no greater than 0.6 spaces per unit.
2. The *city manager* may require a *developer* to record a covenant that prohibits the rental of units subject to this parking restriction for any purpose other than providing for *very low-income affordable housing units* or *extremely low-income affordable housing units*. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for such low-income housing, as part of an affordability agreement pursuant to KMC [18.77.050](#).
3. The *city manager* may require more than 0.6 spaces per unit if the city manager determines that particular *very low-income affordable housing units* or *extremely low-income affordable housing units* are located in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for such units.

B. Transit Serving Market Rate Multifamily Dwelling Units.

1. For market rate multifamily *dwelling units* that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service from at least one route that provides service at least four times per hour for 12 or more hours per day, residential parking requirements shall be no greater than 0.75 spaces per unit.
2. The *city manager* may require a *developer* to provide more than 0.75 spaces per unit if the *city manager* has determined a particular *dwelling unit* to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the *dwelling unit*.

C. Transit Serving Multifamily Housing for Seniors or People With Disabilities.

1. For multifamily *developments* specifically for housing seniors or people with disabilities that are located within one-quarter mile (1,320 feet), as measured linearly along *streets* or other pedestrian pathways, of a transit stop that receives transit service at least four times per hour for 12 or more hours per day, there shall be no minimum residential parking requirements for the residents of such *dwelling units*. Housing for seniors shall be defined as housing restricted to those meeting the definition of *senior citizen* as found in KMC [18.20.2500](#).
2. As an exception to subsection (C)(1) of this section, the *city manager* may require one or more parking spaces per bedroom for housing for seniors or people with disabilities if the *city manager* determines a particular unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

3. The *city manager* may require parking for staff and visitors of such multifamily housing for seniors or people with disabilities, consistent with the requirements of this title.
4. The *city manager* may require a *developer* to record a covenant that prohibits the rental of such units subject to the parking restriction of this section for any purpose other than providing for housing for seniors or people with disabilities, as part of an affordability agreement pursuant to KMC [18.77.050](#). [Ord. 24-0609 § 2 (Exh. A).]

18.40.060 Parking for the disabled.

Off-street parking and access for physically disabled persons shall be provided in accordance with the regulations adopted pursuant to Chapter [19.27](#) RCW, State Building Code, KMC [18.40.055](#), and Chapter [70.92](#) RCW, Public Buildings – Provisions for Aged and Disabled. See Chapter 11 of the International Building Code as adopted by the *City*. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.40.070 Loading space and loading dock requirements.

A. Every nonresidential *building* engaged in retail, wholesale, manufacturing or storage activities, excluding *self-service storage* facilities, shall provide *loading spaces* in accordance with the standards listed below.

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 B. Every *building* engaged in *hotel*, *office building*, restaurant, hospital, auditorium, convention
 2 hall, exhibition hall, sports arena/stadium or other similar use shall provide *loading spaces* in
 3 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

- 4 C. Each *loading space* required by this section shall be a minimum of 10 feet wide, 30 feet long,
 5 and have an unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced,
 6 improved and maintained as required by this chapter. *Loading spaces* shall be located so that
 7 trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-
 8 of-way. All *loading space* areas shall be separated from parking areas and shall be designated
 9 as truck *loading spaces*.

- 10 D. Any *loading space*, including loading docks, located within 100 feet of areas zoned for
 11 residential use shall be screened and operated as necessary to reduce noise and visual
 12 impacts. Noise mitigation measures may include architectural or structural barriers, *berms*,
 13 walls, or restrictions on the hours of operation.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 E. Multi-story *self-service storage* facilities shall provide two *loading spaces*, and single-story
2 facilities one *loading space*, adjacent to each building entrance that provides common access to
3 interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an
4 unobstructed vertical clearance of 14 feet, six inches, and shall be surfaced, improved and
5 maintained as required by this chapter. Any floor area additions or structural alterations to
6 a *building* shall be required to provide *loading space* or spaces as set forth in this chapter.

7 F. Loading docks shall be screened from view of the public right-of-way. Screening may include
8 architectural or structural barriers, *berms*, walls or vegetation. [Ord. 14-0391 § 2 (Exh. 1); Ord.
9 11-0329 § 3 (Exh. 1).]

10 **18.40.080 Stacking spaces for drive-through facilities.**

11 A. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access
12 to a service window of a drive-through facility. A stacking space shall be located to prevent any
13 vehicles from extending onto the public right-of-way, or interfering with any pedestrian
14 circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces for drive-through
15 or drive-in uses may not be counted as required *parking spaces*.

16 B. *Uses* providing drive-up or *drive-through services* shall provide vehicle stacking spaces as
17 follows:

- 18 1. For each drive-through lane of a bank/financial institution, business service, or other
19 drive-through use not listed, a minimum of five stacking spaces shall be provided; and
- 20 2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces
21 shall be provided. [Ord. 11-0329 § 3 (Exh. 1).]

22 **18.40.090 Transit and rideshare provisions.**

23 A. *Government/business services land uses* and *manufacturing land uses, ambulatory surgery*
24 *center, hospital, educational service* and *college/university* shall be required to reserve
25 one *parking space* of every 20 required spaces for rideshare parking as follows:

- 26 1. The *parking spaces* shall be located closer to the primary employee entrance than any
27 other employee parking except disabled;
- 28 2. Reserved areas shall have markings and *signs* indicating that the space is reserved;
29 and
- 30 3. Parking in reserved areas shall be limited to vanpools and carpools established
31 through rideshare programs by public agencies and to vehicles meeting minimum
32 rideshare qualifications set by the employer;

33 B. The *city manager* may reduce the number of required off-street *parking spaces* when one or
34 more scheduled transit routes provide service within one-quarter mile (1,320 feet) of the *site* as
35 measured linearly along *streets* or other pedestrian pathways. The amount of reduction shall be
36 based on the number of scheduled transit runs between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to
37 6:00 p.m. each business day up to a maximum reduction as follows:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Four percent for each run serving *government/business service land uses* and *manufacturing land uses*, up to a maximum of 40 percent; and
2. Two percent for each run serving *recreational/cultural land uses, general services land uses, retail land uses, and wholesale trade*, up to a maximum of 20 percent; and

C. All uses which are located on an existing transit route and are required under the computation for required off-street *parking spaces* in KMC [18.40.030](#)(A) to provide more than 200 *parking spaces* may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. *Uses* which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the *site*. [Ord. 17-0438 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

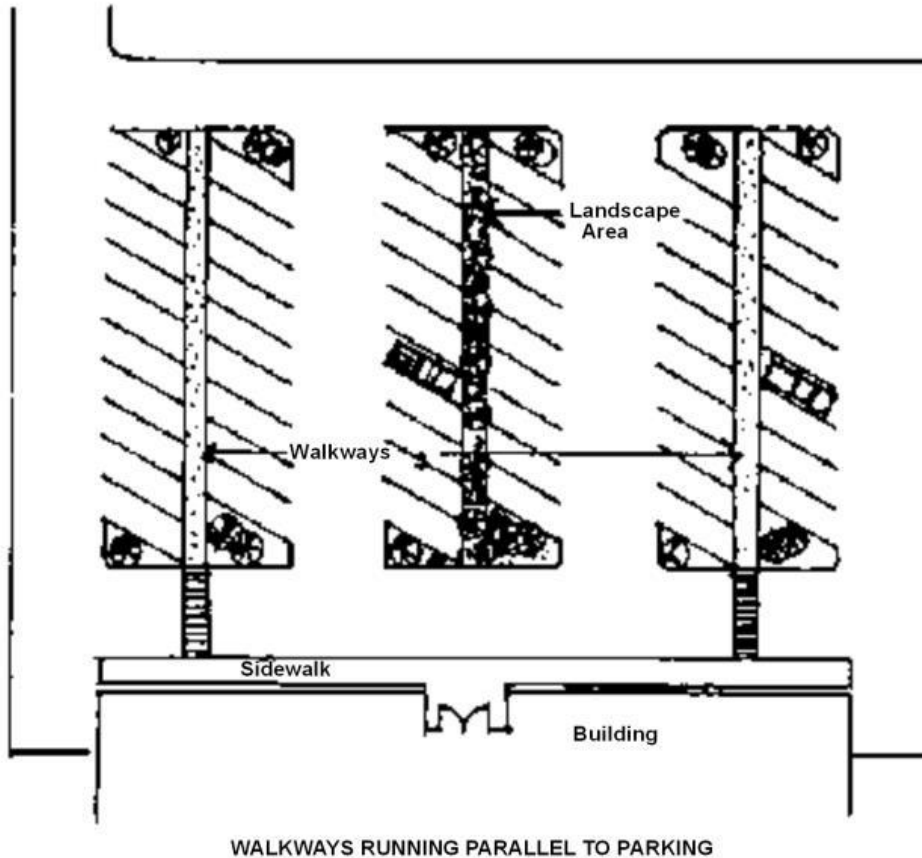
18.40.100 Pedestrian and bicycle circulation and access.

A. *Nonresidential Uses*. All permitted nonresidential *uses* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (1) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (2) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *developments*.

B. *Residential Uses*.

1. All permitted residential *uses* of five or more *dwelling units* shall provide pedestrian and bicycle access within and onto the *site*. Access points onto the *site* shall be provided (a) approximately every 800 to 1,000 feet along existing and proposed perimeter sidewalks and walkways, and (b) at all arrival points to the *site*, including abutting *street* intersections, crosswalks, and transit and school bus stops. In addition, access points to and from adjacent *lots* shall be coordinated to provide circulation patterns between *sites*.
2. Residential *uses* of five or more *dwelling units* shall provide for nonmotorized circulation between cul-de-sacs or groups of *buildings* to allow pedestrian and bicycle access within and through the *development* to adjacent activity centers, *parks*, common tracts, dedicated open space intended for active recreation, schools or other public facilities, transit and school bus stops, and public *streets*.
3. Access shall only be required to school bus stops that are within or adjacent to a proposed residential *use* of five or more *dwelling units* and that are identified by the affected *school district* in response to a notice of application.

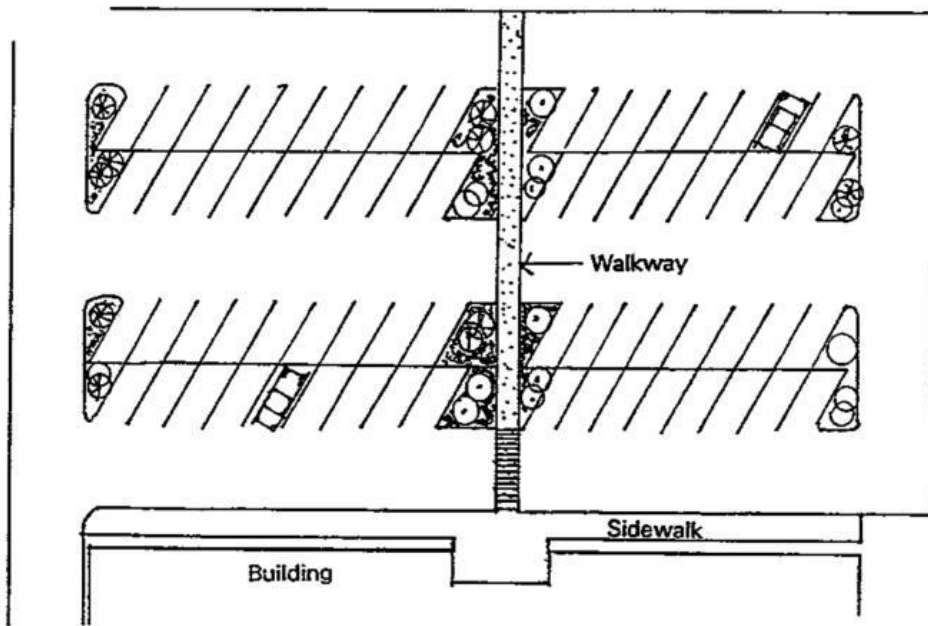
The amendments to the Kenmore Municipal Code are shown in **red text** as follows:



- 1
- 2 C. Walkways shall form an on-site circulation system that minimizes the conflict between
- 3 pedestrians and traffic at all points of pedestrian access to on-site parking and building
- 4 entrances. Walkways shall be provided when the pedestrian access point onto the *site*, or
- 5 any *parking space*, is more than 75 feet from the building entrance or principal on-site
- 6 destination and as follows:
- 7 1. All *developments* which contain more than one *building* shall provide walkways
- 8 between the principal entrances of the *buildings*;
- 9 2. All nonresidential *buildings* set back more than 100 feet from the public right-of-way
- 10 shall provide for direct pedestrian access from the *building* to *buildings* on
- 11 adjacent *lots*; and

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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;

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

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

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

practical site design to meet this requirement. The *city manager* may allow only the number of *parking spaces* that cannot be accommodated to the rear or sides of *buildings* to be located to the front of *buildings*;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public *streets*; and

6. Parking for the disabled shall be provided in accordance with KMC [18.40.060](#).

B. The minimum *parking space* and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum *parking space* and aisle dimensions shall be determined by the *city manager*. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard *parking space* design and eight feet for a compact car *parking space* design.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

MINIMUM PARKING STALL AND AISLE DIMENSIONS

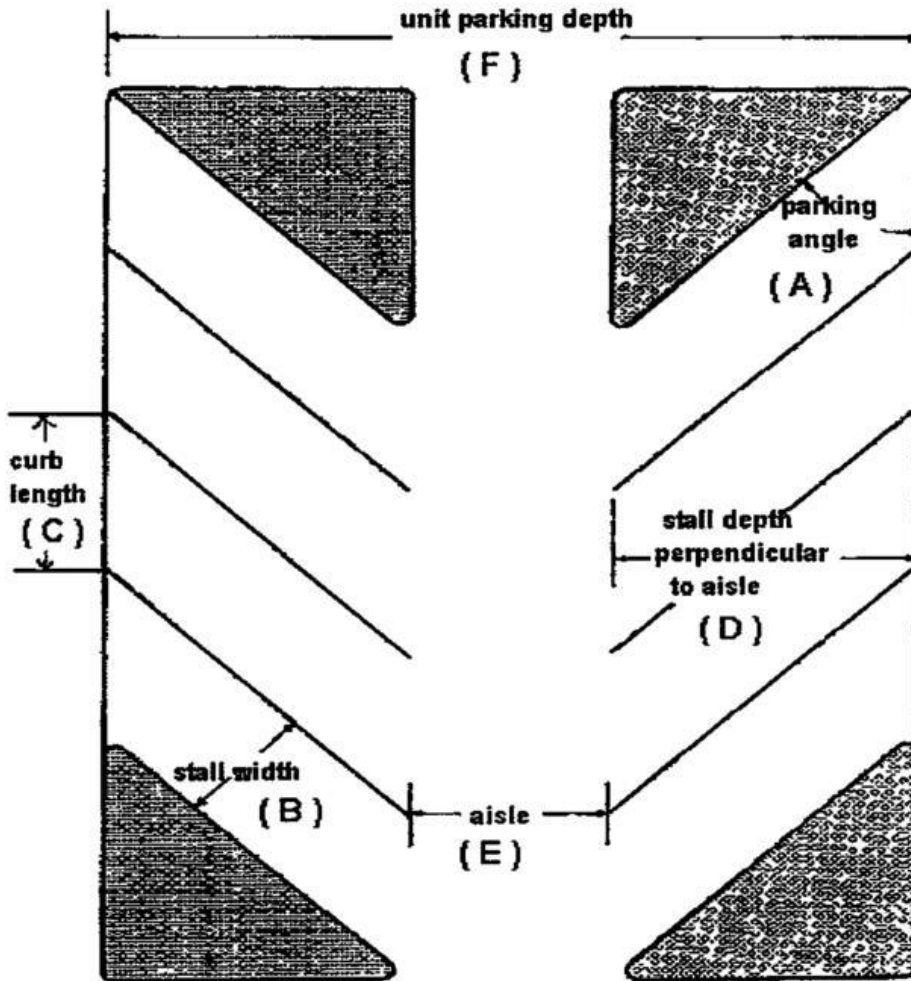
A	B	C	D	E		F	
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

1 * for compact stalls only

2 ** variable with compact and standard combinations

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

NOMENCLATURE OF OFF-STREET PARKING AREA



- 1
- 2 C. Any *parking spaces* abutting a required landscaped area on the driver or passenger side of
- 3 the vehicle shall provide an additional 18 inches above the minimum space width requirement
- 4 to provide a place to step other than in the landscaped area. The additional width shall be
- 5 separated from the adjacent *parking space* by a parking space division stripe.
- 6 D. The *parking space* depth may be reduced if vehicles overhang a walkway or landscaping
- 7 under the following conditions:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Wheel stops or curbs are installed;
2. The remaining walkway provides a minimum of 48 inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of 18 inches; and
4. Landscaping is designed in accordance with KMC [18.35.070](#)(E).

E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter [12.50](#) KMC, Road Standards.

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;
2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and
3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC [18.21.060](#).

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential *developments*. *Apartment* or *townhouse developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and

EX. A to Ord. 25-0630

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter, curb to curb, of 52 feet, five inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC [18.45.070](#).

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

18.40.120 Off-street parking construction standards.

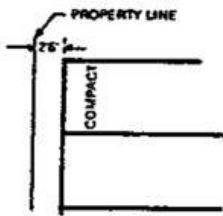
A. Off-street parking areas shall be paved in accordance with *City* street standards unless otherwise approved by the *city manager*.

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

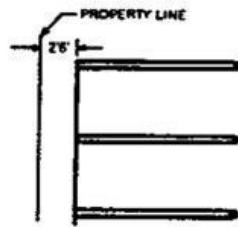
C. Paved parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typically approved markings and wheel stop locations are illustrated below.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

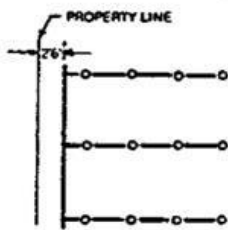
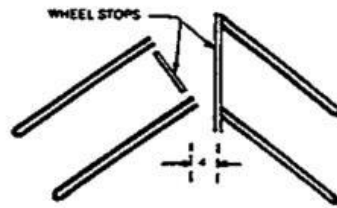
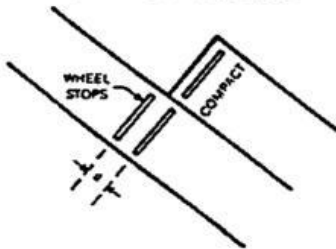
STALL MARKINGS AND WHEEL STOP LOCATIONS



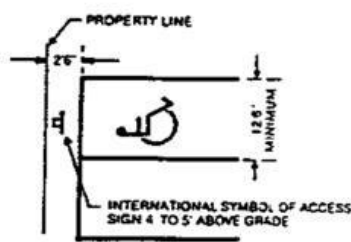
COMPACT MARKING



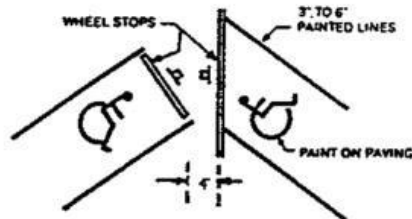
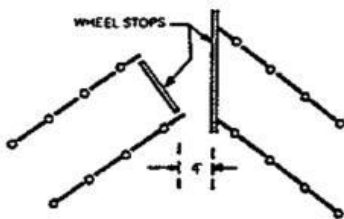
PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



HANDICAP MARKING



1

2 [Ord. 11-0329 § 3 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 **18.40.130 Compact car allowance requirements.**

2 In any *development* containing more than 20 *parking spaces*, up to 50 percent of the total
3 number of spaces may be sized to accommodate compact cars, subject to the following:

4 A. Each space shall be clearly identified as a compact car space by painting the word
5 "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of
6 the *parking space* and centered between the striping;

7 B. Aisle widths shall conform to the standards set for standard size cars; and

8 C. *Apartment developments* with less than 20 parking spaces may designate up to 40 percent of
9 the required parking spaces as compact spaces. [Ord. 16-0428 § 13 (Att. I); Ord. 11-0329 § 3
10 (Exh. 1).]

11 **18.40.140 Internal circulation road standards.**

12 Internal access roads to off-street parking areas shall conform to City street standards set forth
13 in Chapter [12.50](#) KMC. [Ord. 11-0329 § 3 (Exh. 1).]

14

15

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.73

ACCESSORY DWELLING UNITS, HOME OCCUPATION, HOME INDUSTRY

Sections:

[18.73.100 Accessory dwelling units \(ADUs\).](#)

[18.73.110 Home occupation.](#)

[18.73.120 Home industry.](#)

18.73.100 Accessory dwelling units (ADUs).

A. ~~Up to two~~ accessory dwelling units, either as ~~attached or detached~~ accessory dwelling units, in ~~all areas which permit single-family development.~~

B. No minimum lot size is required for an ADU.

C. ~~Except as noted in this section, ADUs must meet the bulk development standards applicable to the principal unit on the same lot as defined in KMC 18.21.030.~~ D. Maximum ADU sizes shall be as follows:

1. Attached ADU. An attached accessory dwelling unit shall not exceed a floor area of 1,000 square feet unless the use of preexisting floor area on a single level of the primary single detached dwelling unit is being proposed for the ADU.
2. Detached ADU. The following floor area limitations shall apply to detached accessory dwelling units:

Lot Size	Maximum Floor Area for a Detached ADU
Lots with an area equal to or greater than 6,000 square feet	17% of the lot area up to a maximum of 1,500 square feet
Lots with an area less than 6,000 square feet	1,000 square feet

E. The maximum height for a detached ADU shall be 35 feet; however, the detached ADU may not exceed one story over a detached garage or two stories if built at ground level.

F. No additional off-street parking spaces shall be required for an ADU.

G. An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department with the records and elections division which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 164

Deleted: Only one

Deleted: n

Deleted: a

Deleted: is allowed per primary

Deleted: detached dwelling unit.

Deleted: Either the primary dwelling unit or the accessory dwelling unit shall be owner-occupied for a minimum of six consecutive months after completion of the ADU. At the end of the six-month period, the owner occupancy requirement shall be extinguished.

Deleted: 1

Deleted: 10

Deleted: 600

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1 H. The maximum number of occupants established for a single-family dwelling as defined in
 2 KMC 18.20.1010 is permitted per dwelling unit and accessory dwelling unit on a lot, regardless
 3 of whether that unit is owned separately or leased.

Deleted: The total number of occupants in the principal dwelling unit and the accessory dwelling unit combined shall not exceed

4 I. Detached accessory dwelling units may be sited at a property line with no setback if the
 5 property line abuts a public alley.

Deleted: t

Deleted: [Ord. 20-0510 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]...

6 J. Existing structures, including legally nonconforming structures, may be converted into
 7 accessory dwelling units provided they meet relevant existing building code requirements.

8 K. Public street improvements (e.g. frontage improvements) are not required as a condition of
 9 permitting accessory dwelling units.

10 L. Accessory dwelling units may be sold individually from the principal unit. Condominium units
 11 originally constructed as accessory dwelling units may be sold or otherwise conveyed
 12 individually from the principal unit.

13 **18.73.110 Home occupation.**

14 Residents of a dwelling unit may conduct one or more home occupations as accessory activities,
 15 provided:

16 A. The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area
 17 of the dwelling unit. Areas with attached garages and storage buildings shall not be considered
 18 part of the dwelling unit for purposes of calculating allowable home occupation area but may be
 19 used for storage of goods associated with the home occupation;

20 B. In residential zones, all the activities of the home occupation(s) shall be conducted indoors,
 21 except for those related to growing or storing of plants used by the home occupation(s);

22 C. No more than one nonresident shall be employed by the home occupation(s);

23 D. The following activities shall be prohibited in residential zones only:

- 24 1. Automobile, truck and heavy equipment repair;
- 25 2. Autobody work or painting;
- 26 3. Parking and storage of heavy equipment; and
- 27 4. Storage of building materials for use on other properties;

28 E. In addition to required parking for the dwelling unit, on-site parking shall be provided as
 29 follows:

- 30 1. One stall for a nonresident employed by the home occupation(s); and
- 31 2. One stall for patrons when services are rendered on site.
- 32 3. For specialized instruction schools, the number of stalls shall be as required by
- 33 Chapter 18.40 KMC;

34 F. Sales shall be limited to:

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Mail order sales; and

2. Telephone sales with off-site delivery;

G. *Specialized instruction schools* shall be limited to:

1. Twelve students per one-hour session;

2. *Structures* used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones;

H. Services to patrons shall be arranged by appointment or provided off site;

I. The *home occupation(s)* may use or store a vehicle for pickup of materials used by the *home occupation(s)* or the distribution of products from the *site*, provided:

1. No more than one such vehicle shall be allowed;

2. Such vehicle shall not park within any required *setback* areas of the *lot* or on adjacent *streets*; and

3. Such vehicle shall not exceed a weight capacity of one ton;

J. The *home occupation(s)* shall not use electrical or mechanical equipment that results in:

1. A change to the occupancy type of the *structure(s)* used for the *home occupation(s)*;

2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

3. Fluctuations in line voltage off-premises; and

K. *Uses* not allowed as *home occupations* may be allowed as a *home industry* pursuant to this chapter. [Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

18.73.120 Home industry.

In all zones except R-12, R-18, R-24, UR, CB Juanita subarea, and NB, a resident may establish a *home industry* as an accessory activity, provided:

A. In the R-1, R-4 and R-6 zones, a *conditional use permit* is obtained;

B. The *site area* shall be no less than one acre;

C. The area of the *home industry* shall not exceed 50 percent of the floor area of the *dwelling unit*. Areas within attached garages and storage *buildings* shall not be considered part of the *dwelling unit* for purposes of calculating allowable *home industry* area but may be used for storage of goods associated with the *home occupation*;

D. No more than four nonresidents shall be employed in a *home industry*;

E. In addition to required parking for the *dwelling unit*, on-site parking shall be provided as follows:

1. One stall for each nonresident employee of the *home industry*; and

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

2. One stall for customer parking;

F. Additional customer parking shall be calculated for areas devoted to the *home industry* at the rate of one stall per:

1. One thousand square feet of *building* floor area; and

2. Two thousand square feet of outdoor work or storage area;

G. Sales shall be limited to items produced on site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques;

H. Ten feet of Type I *landscaping* shall be provided around portions of parking and outside storage areas which are otherwise visible from adjacent properties or public rights-of-way; and

I. The *city manager* shall ensure compatibility of the *home industry* by:

1. Limiting the type and size of equipment used by the *home industry* to those which are compatible with the surrounding neighborhood;

2. Providing for *setbacks* or screening as needed to protect adjacent residential properties;

3. Specifying hours of operation;

4. Determining acceptable levels of outdoor lighting; and

5. Requiring sound level tests for activities determined to produce sound levels which may be excessive. [Ord. 23-0574 § 2 (Exh. A); Ord. 18-0454 § 2 (Exh. 1); Ord. 17-0438 § 2 (Att. A); Ord. 11-0329 § 3 (Exh. 1).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.77
AFFORDABLE HOUSING

18.77.015 General provisions.

A. Determination of Number of Affordable Housing Units Required – Rounding. See KMC [18.30.020](#)(D) for method of rounding to determine the number of affordable housing units required, **except for affordable housing required in R-4 and R-6 zones, as provided in KMC 18.77.043(B).**

Deleted: .

B. Adjacent Developments. Adjacent *developments* by the same or affiliated *developer* will be considered as a single *development* for the purpose of applying the thresholds for compliance.

C. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the *City* shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.

2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.

3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.

4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner and the *City*, as described in KMC [18.77.050](#), is recorded, or the date when the affordable housing becomes available for occupancy as determined by the *City*.

Deleted: income-

E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the *dwelling units* in the *development*. [Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

Page 168

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1

2

3 **18.77.043 R-4 and R-6 zones.**

4 All residential developments on properties zoned R-4 or R-6 and producing new dwelling units
5 shall provide affordable housing as follows:

6 A. Ten percent of the total number of new residential units in the development, excluding units
7 whose net floor area is less than 1,750 square feet, shall be very low-income housing if renter-
8 occupied or low-income housing if owner-occupied.

9 1. Development applications vested by December 31st, 2025, shall be exempt from this
10 affordable housing requirement if the proposed development conforms to regulations in
11 place before June 1st, 2025.

12 2. Development applications made under regulations adopted after May 31st, 2025, shall
13 provide affordable housing as prescribed in this section.

14 B. Developments producing fewer than ten new dwelling units with units that have floor area
15 equal to or exceed 1,750 square feet shall not have the number of affordable units rounded
16 down to zero but may either provide an affordable unit on-site or pay a fee in lieu of the required
17 fractional affordable unit.

18 1. Notwithstanding the provisions of KMC 18.77.045, fees in lieu of affordable housing
19 required in R-4 and R-6 zones shall be calculated from a rate set by the city council in the
20 city's development fee schedule.

21 a. Payment of a fee in lieu of fractional affordable units shall be the applicant's option
22 and does not require a proposal or the city manager's approval.

23 b. The initial fee rate shall be assessed on the combined net floor area of all new
24 dwelling units in the development, excluding units whose net floor area is less than
25 1,750 square feet, based on the difference between typical market-rate housing
26 expenses and affordable housing expenses in Kenmore as the city shall determine using
27 commonly accepted methods.

28 c. The city council shall increase or decrease the fee annually to reflect the current
29 published annual change in the Seattle Consumer Price Index for Wage Earners and
30 Clerical Workers.

31 d. The city council may reset the fee rate, no more frequently than two years, based on
32 updated analysis of market-rate and affordable housing expenses.

33 e. A written agreement is not necessary but charges and payments, including dates
34 payable, may be administered as any other development fees.

35 2. Deposits and uses of payments in lieu of fractional affordable units shall follow the same
36 policies established in KMC 18.77.045.

The Kenmore Municipal Code is current through Ordinance 24-0624, passed December 9, 2024.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

C. Developments producing ten or more new dwelling units shall have the number of affordable units rounded according to KMC 18.30.020(D).

18.77.045 Alternative compliance.

While the *City* prefers to achieve affordable housing on site, the *city manager* may approve a request for satisfying all or part of the affordable housing requirements with alternative compliance methods as follows:

A. Application. Applications for alternative compliance shall be submitted at the time of permit application, and must be approved prior to issuance of any building permit.

B. Off-Site Provision. A project proponent may propose to satisfy all or part of affordable housing requirements off site.

1. The project proponent must demonstrate that off-site provision of new affordable housing achieves a result equal to or better than providing affordable housing on site.

2. Affordable housing units provided through this method must be the same type of units as the units in the project which gave rise to the requirement.

3. Priority is for the project to be located within the same zoning district as the *development* responsible for providing affordable housing. However, the *city manager* may approve a project located outside the zoning district if the location has access to commercial uses and transit, does not result in an undue concentration of affordable housing, and has adequate infrastructure.

4. The proposal must demonstrate that the affordable units provided off site will be completed before or within the same time period as the *development* generating the affordable housing requirement. For projects approved for off-site affordable housing, there will be a recorded agreement on both the "sending" property and the "receiving" property. The covenant on the sending site will be released once the affordable housing is completed on the receiving property.

C. Contribution to Preservation of Existing Affordable Housing. A project proponent may propose to satisfy all or part of affordable housing requirements through purchase and long-term preservation of existing affordable housing, particularly in the *City's manufactured housing communities*. The *applicant* shall provide information demonstrating affordability of the units to be preserved and a long-term covenant shall be placed over the preserved units, ensuring preservation and maintenance of the affordable units.

D. Fee in Lieu. Cash payments in lieu of providing actual housing units may be proposed and, if approved by the *city manager*, shall be used only for the subsequent preservation or provision of affordable housing units by the *City* or other housing provider approved by the *city manager*.

1. Payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

2. Prior to issuance of building permits for the project, the *City* and *applicant* shall execute a written agreement that establishes the *applicant's* payment obligations (amounts and due dates) for the project. The *City* may require the *applicant* to secure its payment obligations by irrevocable letter of credit or other form acceptable to the *City*.

3. The *City* shall deposit collected payments in an affordable housing fund established by the *City*.

4. Before the *city manager* approves or executes an agreement to accept payment in lieu of affordable housing, the *City* must have a plan for investing funds in affordable housing that supports *City* objectives. The *City* should make every effort to use these funds as quickly as possible.

5. The highest priority location for affordable housing funded wholly or in part with in-lieu fees is the subarea location of the project that generated the in-lieu fee; however, the *city manager* may authorize the use of these funds for affordable housing projects in other subareas of the *City* (as a second priority) or within another jurisdiction (as a third priority) with close proximity to commercial uses, transit services, and/or employment opportunities. [Ord. 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1

2

Chapter 19.25

3

PROCEDURES FOR LAND USE DECISIONS, PUBLIC NOTICE, HEARINGS AND APPEALS

4 Sections:

5 [19.25.010 Chapter purpose.](#)

6 [19.25.020 Classifications of land use decision processes.](#)

7 [19.25.030 Preapplication conferences.](#)

8 [19.25.040 Application requirements.](#)

9 [19.25.050 Determination of completeness.](#)

10 [19.25.055 Vesting.](#)

11 [19.25.060 Notice of application.](#)

12 [19.25.065 Public notice boards.](#)

13 [19.25.080 Applications – Modifications to proposal.](#)

14 [19.25.083 Application cancelled for inactivity.](#)

15 [19.25.085 Type 2 decisions.](#)

16 [19.25.090 Notice of decision.](#)

17 [19.25.092 Appeals.](#)

18 [19.25.095 Applications – Limitations on refiling of applications.](#)

19 [19.25.100 Time limitations.](#)

20 **19.25.010 Chapter purpose.**

21 The purpose of this chapter is to establish standard procedures for land use decisions,
22 including public notice, hearings and appeals. These procedures are designed to promote timely
23 and informed public participation in discretionary land use decisions; eliminate redundancy in
24 the application, permit review, hearing and appeal processes; provide for uniformity in public
25 notice procedures; minimize delay and expense; and result in development approvals that
26 implement the policies of the *comprehensive plan*. [Ord. 11-0329 § 3 (Exh. 1).]

27 **19.25.020 Classifications of land use decision processes.**

28 A. Land use decisions are classified into five types, based on the amount of discretion
29 associated with each decision. Procedures for the five different types are distinguished
30 according to who makes the decision, whether public notice is required, whether a public
31 hearing is required before a decision is made and whether administrative appeals are provided.

32 The types of land use decisions are listed in Exhibit A of this section.

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

1. Type 1 decisions are made by the *city manager*. Type 1 decisions are nonappealable administrative decisions that require the exercise of little or no administrative discretion. Public notice is not required for Type 1 decisions.
 2. Type 2 decisions are made by the *city manager*. Type 2 decisions are discretionary decisions that are subject to administrative appeal.
 3. Type 3 decisions are quasi-judicial decisions made by the *hearing examiner* following an open record hearing. Type 3 decisions may be appealed directly to King County superior court, pursuant to Chapter [36.70C](#) RCW, the Land Use Petition Act, based on the record established by the *hearing examiner*.
 4. Type 4 decisions are quasi-judicial decisions made by the city council based on the record established by the *hearing examiner*.
 5. Type 5 decisions are legislative decisions made by the city council.
- B. Except as provided in KMC [16.75.060](#) and [19.35.160](#) or unless otherwise agreed to by the *applicant*, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application. KMC [16.75.060](#) sets out the combined hearing authority for shoreline exemptions, shoreline substantial development permits, shoreline variances, and shoreline conditional use permits.
- C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.
- D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures in Chapter [19.35](#) KMC are supplemental to the procedures in this chapter.

Exhibit A

LAND USE DECISION TYPES

TYPE 1 ²	Decision by <i>city manager</i> ; no administrative appeal	Building; demolition; moving; engineering; clearing and grading; sign; change of use and/or classification under KMC Title 15 ; accessory dwelling unit; home occupation; boundary line adjustment; right-of-way; street standards variance; adjustment under Chapter 13.35 KMC; shoreline exemption; temporary use; binding site plan; preliminary subdivision or short subdivision revision if not a substantial change; short plat
------------------------	--	---

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

		alteration if not a substantial change; affordable housing project as described in KMC 18.77.060(A) .
TYPE 2	Decision by <i>city manager</i> ; appealable to <i>hearing examiner</i> ; no further administrative appeal ^{1, 5}	Home industry; short subdivision; unit lot subdivision ; preliminary short subdivision revision; short plat alteration; zoning variance; conditional use permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; site plan review for uses allowed by zone; wireless communication facility minor adjustment under Chapter 18.60 KMC; approval of residential density incentives under KMC 18.80.060(A)(2) or transfer of development credits under KMC 18.80.090(A) ; reuse of public schools; reasonable use exceptions under KMC 18.55.180 ; public agency and utility exceptions under KMC 18.55.160 ; other critical areas exceptions, variances and decisions to require studies or to approve, condition or deny a development proposal based on Chapter 18.55 KMC; variances to <i>exceptional tree</i> regulations as set forth in KMC 18.57.063 .
TYPE 3	Recommendation by <i>city manager</i> ; hearing and decision by <i>hearing examiner</i> ; appealable directly to King County superior court, pursuant to Chapter 36.70C RCW, the Land Use Petition Act, on the record	Preliminary subdivision; plat alteration; preliminary subdivision revision; special use; wireless communication facility major adjustment under Chapter 18.60 KMC.
TYPE 4	Recommendation by <i>city manager</i> ; hearing and recommendation by <i>hearing examiner</i> ; decision by city council on the record	Zone <i>reclassification</i> not related to a <i>site-specific comprehensive plan land use map amendment</i> ³ ; shoreline environment redesignation; plat vacation; short plat vacation; site plan review for uses not allowed by zone pursuant to Chapter 18.105 KMC; master plans other than those required in order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment.
TYPE 5	Hearing and recommendation by planning commission or other city council-appointed advisory body ⁴ ; decision by city council on the	<i>Comprehensive plan</i> amendment; <i>development regulation</i> amendment; zoning map amendment related to a <i>site-specific comprehensive plan land use map amendment</i> ; master plans required in

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

	record. Appealable to Growth Management Hearings Board pursuant to Chapter 36.70A RCW	order to obtain a <i>comprehensive plan</i> amendment or related zoning map or text amendment pursuant to Chapter 18.120 KMC.
--	---	---

¹ All shoreline permits, including shoreline variances and conditional uses, are appealable to the State Shorelines Hearings Board and not to the *hearing examiner*.

² Type 1 land use decisions that are not categorically exempt from environmental review under Chapter [43.21C](#) RCW (State Environmental Policy Act) shall provide a notice of application per KMC [19.25.060](#) and a notice of decision per KMC [19.25.090](#). The notice of decision may be a copy of the permit.

³ Approvals that are consistent with the *comprehensive plan* may be considered by the city council at any time. Zone *reclassifications* that are not consistent with the *comprehensive plan* land use map require a *site-specific comprehensive plan land use map amendment* and the city council's hearing, and consideration shall be considered a Type 5 land use decision and scheduled with the amendment to the *comprehensive plan* under Chapter [19.20](#) KMC.

⁴ If the proposal is being considered as part of the annual *docket* work program as described in Chapter [19.20](#) KMC. If the proposal is not part of the annual *docket*, the city council conducts the public participation process and makes the decision on the record.

⁵ Decisions on shoreline variance and shoreline conditional use permits require approval by the Department of Ecology.

[Ord. 23-0593 § 5 (Exh. C); Ord. 21-0521 § 3 (Exh. B); Ord. 19-0481 § 2 (Exh. A); Ord. 16-0426 § 8 (Att. F); Ord. 12-0334 § 18; Ord. 11-0329 § 3 (Exh. 1).]

...

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

Chapter 18.75 **COTTAGE HOUSING**

Sections

18.75.010 Purpose

18.75.020 Cottage Housing Development Standards

18.75.030 Site Design Standards

18.75.040 Building Design Standards

18.75.050 Public Benefits and Development Incentives

18.75.010 Purpose

The purpose of this subchapter is to establish standards for cottage housing developments in the applicable areas within the R-4 and R-6 zones, as defined in 18.21.035(B).

18.75.020 Cottage Housing Development Standards

A. Development shall meet the bulk development and design standards for the parent lot, except as noted otherwise in this Chapter.

B. The building-to-building setback between units shall be a minimum of eight feet except for those units that area attached by common vertical walls.

C. Parking shall be provided as specified in KMC 18.40.030 and meet the following design requirements:

- 1. Parking shall be clustered within a common parking area that is accessible but peripheral to the units.**
- 2. Parking shall be located to minimize visual impact on the site while limiting the amount of hardscape devoted to vehicles. Parking shall be screened from public view and shall not visually dominate the site frontage.**
- 3. Parking shall be located in the rear of the development if accessed by an alley.**
- 4. Parking shall be located on the side of the development if accessed by a private driveway, arterial or nonarterial street.**

D. Each cottage shall be provided private open space. Private open space shall be directly contiguous to and accessed from each cottage.

- 1. Each cottage shall be provided with no less than 300 square feet of private open space.**
- 2. No open space with a dimension less than six linear feet shall count towards private open space requirements.**

Formatted: Font: Roboto, 11 pt, Bold

Formatted: Font: Roboto

Formatted: Font: Roboto, Not Bold

Formatted: Font: Roboto

Formatted: Font: Roboto, Not Bold

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, Bold

Formatted: Heading 2

Formatted: Font: Roboto

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, Bold

Formatted: Heading 2

Formatted: Font: Roboto

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.44" + Indent at: 0.69"

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

- 1 3. Required porch areas may be counted as private open space.
- 2 4. Required perimeter landscaping shall not be counted as private open space.
- 3 E. A cottage development shall provide a minimum of 250 square feet of common open space
 4 per cottage.
- 5 1. A cottage development shall provide a minimum of 250 square feet of common open
 6 space per cottage.
- 7 2. Common open spaces may be comprised of lawns, gardens, plazas, seating areas,
 8 covered gazebos, trees, or similar features.
- 9 3. Community buildings, clubhouses, or structures are not required but can be counted
 10 as common open space provided they are on site and permanently affixed.
- 11 4. Common open space shall be located and made accessible to all residents of the
 12 cottage housing development.
- 13 5. Common open space shall be connected to other areas of the development through
 14 on-site pedestrian pathways.
- 15 6. Common open space shall be designed and located to protect existing stands of
 16 trees pursuant to KMC 18.57.
- 17 F. Cottage Size: The gross floor area for a cottage shall be a maximum of fifteen hundred
 18 square feet (1,500 sq. ft.) in gross floor area.
- 19 18.75.030 Site Design Standards
- 20 A. Site design standards for cottage housing shall meet the requirements of KMC 18.52 Article
 21 II, except as noted otherwise in this Chapter.
- 22 1. Each cottage shall have a paved on-site pedestrian pathway providing access to a
 23 public sidewalk, common open space, common parking areas, common buildings and
 24 common solid waste areas, if provided.
- 25 2. Parking outside of garages shall be screened per KMC 18.52.180.
- 26 3. Mechanical and utility equipment shall be located and designed to minimize visibility
 27 by the public. Preferred locations are abutting alleys, access drives, within, atop, or
 28 under buildings, underground, or other locations away from the public right-of-way.
 29 Equipment shall not intrude into required common open space or pedestrian
 30 pathways.
- 31 18.75.040 Building Design Standards
- 32 A. Building design standards for cottage housing shall meet the requirements of KMC 18.52
 33 Article III and Article V, except as noted otherwise in this Chapter.
- 34 1. Cottage front facades shall face a common open space or a right-of-way.
- 35 2. Cottages may be attached or detached.

Formatted: Font: Roboto

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.44" + Indent at: 0.69"

Formatted: Font: Roboto

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, 11 pt, Not Highlight

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, 11 pt, Not Highlight

Formatted: Font: Roboto, Not Highlight

Formatted: Font: Roboto

Formatted: Font: Roboto, Not Highlight

Formatted: Font: Roboto

Formatted: Font: Roboto, Not Highlight

Formatted: Font: Roboto

Formatted: First Level Style, No bullets or numbering, Tab stops: Not at 0.5"

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, 11 pt, Not Highlight

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto

Formatted: First Level Style, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.44" + Indent at: 0.69"

The amendments to the Kenmore Municipal Code are shown in **red text** as follows:

3. Buildings should be oriented and designed to promote privacy between detached cottages, including the location of transparent features such as windows and doors.
 4. Cottages with identical architectural designs should not be placed directly adjacent to one another and should be separated by at least one other nonidentical cottage. Variation in materials or colors between adjacent cottages are encouraged to create distinct cottages within a development.
 5. Parking provided in garages shall meet the following standards:
 - a. Garage elevations visible from a public street should be designed to minimize visual impact through the use of fencing, lattices, landscaping, or other screening methods.
 - a. Garages may be detached from cottage units. Up to four garages may be attached to one another.
- 18.75.050 Public Benefits and Development Incentives.
- A. Development incentives permitted for cottage housing development are permitted as define in KMC 18.21.035(J).

Formatted: Indent: Left: 0.63", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.2" + Indent at: 0.45", Tab stops: Not at 0.5"

Formatted: Table Note Subsection Style, Indent: Left: 0.63", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.2" + Indent at: 0.45"

Formatted: Font: Roboto, 11 pt, Not Highlight

Formatted: Font: Roboto, 11 pt

Formatted: Font: Roboto, 11 pt, Not Highlight

Formatted: Font: Roboto

City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
Single Room Occupancy and Residential Parking Regulations, <i>Discussion of Draft Code</i>	☐ Information Only ☐ Receive and File ☒ Discuss ☒ Provide Direction ☐ Public Hearing ☐ Adopt/Approve ☐ Authorize ☐ Other:
Department: Community Development	
Prepared by: Brittany Chue, Senior Planner Todd Hall, Principal Planner	
Attachments: 1. Staff Memo 2. Draft Code 3. PowerPoint: Single Room Occupancy and Residential Parking	No action

Approvals:

Department	TH for DB,	City	Finance	City
Head	6/12/25	Attorney	Director	Manager
		N/A	N/A	SLL, 6/13/25
				Optional
				N/A

Summary/Background:

At the 4/21/25 City Council meeting, staff summarized key points about new state regulations on co-living and residential parking. At the 6/23/25 City Council meeting, staff will present draft code updates based on City Council's feedback, such as changing the name from co-living to single room occupancy. The staff memo (Attachment #1) includes responses to the Councilmembers' questions from the previous meeting and a zoning code analysis table referencing the state law/policy decision, relevant chapter in KMC, page number in the draft code, topic/proposed text amendment, and explanation/impacts of implementing the code amendments. The draft code (Attachment #2) includes changes to Kenmore's Municipal Code to comply with the state laws on co-living (single room occupancy) and residential parking requirements. No City Council action is required for this meeting.

Single Room Occupancy and Residential Parking Bills

The state legislature recently passed regulations for co-living (single room occupancy) in 2024 based on the Growth Management Act from HB 1998, [RCW 36.70A.535](#). Allowing single room occupancy as a permitted use on any lot that allows at least 6 multifamily residential units provides more housing options and more market-rate, non-subsidized rental homes. Single room occupancy provides a housing option for people who want a low-cost alternative to living with roommates and allows for shared community spaces that facilitate social connections. Additionally, parking requirements are

reduced drastically, and there is no parking required if the development is within half a mile of a major transit stop.

Senate Bill (SB) 6015, [RCW 36.70A.622](#), passed by the state in 2024, establishes new requirements for residential parking in the Growth Management Act (GMA). This law restricts minimum parking space dimensions to not exceed 8' x 20', allows tandem parking spaces in all residential areas, allows required parking spaces to be enclosed or unenclosed, allows grass block pavers, and eliminates the minimum parking space requirement if it conflicts with tree retention. This law prioritizes tree retention and reduces the impervious surface through smaller parking size dimensions, which could potentially improve drainage and tree canopy. This could potentially reduce costs for developers through the decreased impervious surface areas and eliminating the garage/carport requirements for residential areas.

Summary of Code Changes

Definitions were added in the code for Single Room Occupancy, Sleeping Units, Kitchenette, and Tandem Parking Stalls. The definitions for Kitchen and Dwelling Unit were changed to match state laws, the state building code, and the Department of Commerce's guidance on co-living. Single Room Occupancy was added as an allowed use on residential zones R-6 and up and mixed-use zones that allow for multiple-family dwelling. Sleeping unit density calculations were added for each zoning table, as well as the affordable housing calculations. Minimum parking requirements were added for Single Room Occupancy housing in the TOD district (no parking is required), as well as in Chapter 18.40 Development Standards - Parking and Circulation.

The garage parking requirements were omitted for townhomes because minimum parking requirements for residential uses may be enclosed or unenclosed. The tree retention requirements were changed from reduced parking to no parking if tree retention conflicts with minimum parking requirements. Tandem parking stalls were added to the parking table for all residential land uses. The parking size was changed to not exceed 8' x 20', as well as simplifying the parking dimensions table.

Next Steps

Staff will request the City Council schedule a public hearing for 7/21/25. Adoption of the ordinance is scheduled for the 7/28/25 Council meeting.

Previous Council Action(s):

N/A

Fiscal Consideration:

Staff time to complete the modification of zoning regulations for City Council consideration.

[City Council Priorities](#) or Budget Objective Being Addressed:

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

Priority #4: Promote sustainable Economic Development Strategies that enhance downtown and attract residents, small businesses, and visitors.

Priority #5: Enhance multimodal transportation, including pedestrian and bicycle safety.



Date: June 23rd, 2025

To: City Council

From: Brittany Chue, Senior Planner and Todd Hall, Principal Planner

Regarding: Code Analysis Table for Single Room Occupancy and Residential Parking

Purpose: At the June 23 City Council meeting, staff will present draft code amendments and a zoning code update reference table regarding changes to Kenmore's Municipal Code regarding Single Room Occupancy and Residential Parking requirements based on state laws – HB 1998, [RCW 36.70A.535](#) and SB 6015, [RCW 36.70A.622](#).

Questions from 4/21/21 City Council: Below are responses to City Council questions at the 4/21/25 meeting regarding single room occupancy (co-living) and residential parking.

- **Could co-living be a house-like structure?**
 - Yes, co-living (Single Room Occupancy in our code) could be a house-like structure. As long as the development has sleeping units that are independently rented and lockable, and provide living and sleeping space, with residents sharing kitchen facilities with other sleeping units in the building, it could function in an apartment-style setting, a house-like structure, or a combination of these.
- **Is group living different than a rooming house?**
 - Yes, group living differs from a rooming house. KMC 18.20.1012 defines group living under *Family* as: "a group of residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents." KMC does not define rooming house, but

rooming houses are typically a dwelling where multiple rooms are rented out individually, often with shared facilities like kitchens and bathrooms. Group living operates under a single housekeeping unit or dwelling unit, whereas a rooming house contains multiple rooms that are rented out separately.

- **Would co-living fit under group living?**
 - Based on the definition of group living above, co-living (single room occupancy) would not fit under group living. Both group living and single room occupancy may share common facilities, such as kitchens or bathrooms. However, they differ in group living being defined as “living together as a single housekeeping unit” or receiving support services, whereas single room occupancy requires independent units being rented.
- **What is the difference between a rooming house vs. a co-living unit?**
 - These function similarly in Kenmore’s code, but there are slight differences. A rooming house is not defined in the code, but it would be a type of single room occupancy (co-living) unit with the new code update. Both single room occupancy and rooming houses involve individual units being rented with common areas, such as kitchens and bathrooms. However, a rooming house is often in a single-family home structure with rooms being rented to multiple tenants. Single room occupancy could be in a rooming house as a single-family structure, or it could be in an apartment-style building as a studio or 1-bedroom, for example. Single room occupancy functions as an umbrella term in the code draft for different types of co-living housing, including as examples in its definition: co-living, dormitories, congregate living facilities, boarding house, rooming house, lodging house, and residential suites.

Zoning Code Reference Table

The zoning code reference table below describes the changes to Kenmore’s Municipal Code on Single Room Occupancy and Residential Parking. The changes made to the code involve definitions, allowance of single room occupancy on lots that allow at least six multifamily residential units, unit density calculations for sleeping units, garage and minimum parking requirements, tree retention and minimum parking requirements, tandem parking stalls, size of parking, nonconforming parking, and affordable housing. The page numbers correspond to the draft code, Attachment #2.

Kenmore Zoning Code Reference Table

The table below provides a comprehensive reference of how and where each requirement of HB 1998, [RCW 36.70A.535](#) and SB 6015, [RCW 36.70A.622](#) are addressed within the draft zoning code update.

Page No.	Chapter in KMC	State Law/Policy Decision	Topic/Proposed Text Amendment	Explanation/Impacts
1-2	Chapter 18.20 Technical Terms and Land Use Definitions	RCW 36.70A.535 (11) Cities must adopt state definitions for single room occupancy (co-living). Sleeping units, kitchenettes, and tandem parking stalls also need to be defined.	Definitions Added definitions for <i>Single Room Occupancy</i> , <i>Sleeping Units</i> , <i>Kitchenette</i> , and <i>Tandem Parking Stalls</i> in KMC 18.20. Changed definitions for <i>kitchen</i> and <i>dwelling unit</i> to match state building code based on the Department of Commerce's Co-living Guidance.	The proposal is written to create a standard definition for <i>Single Room Occupancy</i> , part of <i>Dwelling</i> , <i>Multiple-family</i> ; <i>Sleeping Units</i> to clarify the calculations for density and sewer fees for <i>Single Room Occupancy</i> ; <i>kitchenettes</i> because they can be part of <i>Single Room Occupancy</i> housing and differ from <i>kitchen facilities</i> ; and <i>Tandem Parking Stall</i> to clarify minimum parking requirements.
3-4	Chapter 18.21 Residential Zones	RCW 36.70A.53517 18(1) Cities must allow single room occupancy as a permitted use on any lot that allows at least six multifamily residential units, including on a lot zoned for mixed-use development.	Allowance of Single Room Occupancy Added <i>Single Room Occupancy</i> as a permitted use on any lot that allows at least six multifamily residential units.	<i>Single Room Occupancy</i> is a permitted use under <i>Multiple-family dwelling</i> in residential zones (R-6, R-12, R-18, R-24, and R-48) and mixed-use zones (Neighborhood Business, Community Business, Downtown Residential, Urban Residential, Downtown Commercial, Urban Corridor, Waterfront Commercial, Regional Business, TOD, and Public and Semi-Public).
7-10; 13-21; 25	Chapter 18.21 Residential Zones	RCW 36.70A.535 (7) Cities may not treat a sleeping unit in co-living housing as more than one-quarter of a dwelling	Unit Density Added <i>sleeping unit</i> density calculations in the zoning table for each	The density calculations for sleeping units apply to base density, minimum density, and maximum density. Allowing a 1:4 ratio of sleeping units to dwelling

	Chapter 18.22 Neighborhood Business Zone Chapter 18.23 Community Business Zone Chapter 18.24 Downtown Residential Zone Chapter 18.24A Urban Residential Zone Chapter 18.25 Downtown Commercial Zone Chapter 18.25A Urban Corridor Zone Chapter 18.25B Waterfront Commercial Zone Chapter 18.26 Regional Business Zone Chapter 18.27 Public and Semi-Public Zone	unit for purposes of calculating dwelling unit density.	zone allowing <i>Single Room Occupancy</i> housing. Added the <i>sleeping unit</i> calculation in the general development standards chapter.	units encourages larger amounts of smaller-sized units to be built, which could help in providing more housing units to meet increasing housing demand.
--	---	--	---	--

	Chapter 18.29 Transit Oriented Development (TOD) District Overlay Chapter 18.30 Development Standards - General			
12	Chapter 18.24 Downtown Residential Zone	RCW 36.70A.622 (1) (a) Garages and carports may not be required as a way to meet minimum parking requirements for residential development. RCW 36.70A.622 (1) (b) Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.	Garage Parking Omitted garage parking requirement for <i>townhomes</i>: "Townhouses are required to have four units minimum in a cluster. Enclosed under building parking is required per Chapter 18.52 KMC, Design Standards."	Eliminating the garage requirement for townhomes could affect the design and make townhome facades less uniform across the city, as some developers may have unenclosed parking. However, this could make developing townhomes more cost-effective as garages are more expensive to build than driveways.
22-23	Chapter 18.29 Transit Oriented Development (TOD) District Overlay	RCW 36.70A.535 (3) Cities may not require co-living housing to: • Provide off-street parking within one-half mile walking distance of a major transit stop. • Provide more than 0.25 off-street parking spaces per sleeping unit.	Parking for Single Room Occupancy in TOD Added minimum parking requirements for <i>single room occupancy</i> housing in the TOD district.	No minimum parking is required for <i>single room occupancy</i> housing in TOD parcels because they are all within one-half mile of a <i>major transit stop</i> . Having less required parking can make housing more pedestrian and bicycle friendly, and more cost-effective to build.
23	Chapter 18.29 Transit Oriented	RCW 36.70A.622 (1) (f) Cities with a population greater than	Parking and Trees	The previous code incentivized developers to preserve trees by reducing

	Development (TOD) District Overlay	6,000 may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.	Amended tree grove retention in the TOD by changing incentives from reducing parking to reducing or eliminating parking requirements to meet tree retention requirements.	the number of required parking spaces. The new code prioritizes tree retention over minimum parking requirements by eliminating parking requirements to preserve trees if it makes the development infeasible.
25-29	Chapter 18.40 Development Standards – Parking and Circulation	RCW 36.70A.622 (1) (c) Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.	Tandem Parking Amended minimum parking spaces table to allow tandem parking stalls in all residential land uses.	The previous code only allowed tandem stalls in single detached dwelling units, townhouses, and apartments. The new code will also allow tandem stalls in single room occupancy, manufactured housing community, senior citizen assisted living, community residential facility, hotel/motel, and bed and breakfast guesthouse.
26	Chapter 18.40 Development Standards – Parking and Circulation	RCW 36.70A.535 (3) Cities may not require co-living housing to: • Provide off-street parking within one-half mile walking distance of a major transit stop. • Provide more than 0.25 off-street parking spaces per sleeping unit.	Parking for Single Room Occupancy Added parking requirements for <i>single room occupancy</i> in the minimum parking spaces table.	<i>Single room occupancy</i> has no minimum parking requirement and a maximum parking requirement of no more than 0.25 off-street parking spaces per <i>sleeping unit</i> if the development is more than ½ mile of a <i>major transit stop</i> . <i>Single room occupancy</i> housing has less required parking than other land use types, which could incentivize more <i>single room occupancy</i> housing to be built.
31	Chapter 18.40 Development Standards –	RCW 36.70A.622 (1) (f) Cities with a population greater than 6,000 may not require off-street	Parking and Trees Added tree retention section for residential	Eliminating minimum parking requirements if they conflict with tree retention requirements prioritizes tree

	Parking and Circulation	parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible.	land uses in KMC 18.40.030 Computation of Required Off-Street Parking Spaces.	retention over parking if it makes the development infeasible. Prioritizing tree retention in development can help to preserve more trees, potentially reducing impervious surfaces and increasing tree canopy, helping to mitigate extreme heat effects and promoting biodiversity and resilient ecosystems.
32-33	Chapter 18.40 Development Standards – Parking and Circulation	RCW 36.70A.622 (1) (e) Parking spaces may not be required to exceed eight feet by 20 feet, except for required parking for people with disabilities.	Size of Parking Changed the Minimum Parking Stall and Aisle Dimensions table to the Department of Commerce's recommended table for parking stall dimensions and kept the one-way and two-way traffic distinctions.	The Department of Commerce's table only provides one option for each parking angle, which will make parking spaces more standardized across the city. Having smaller minimum parking stall dimensions could result in decreased impervious surfaces for new developments, allowing more room for buildings or green/open areas.
36	Chapter 18.40 Development Standards – Parking and Circulation	RCW 36.70A.622 (1) (c) Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.	Tandem Parking Omitted requirements for tandem parking areas to only be per dwelling unit. Added tandem parking allowance in residential land uses, tandem parking dimensions, and the definition of tandem parking.	Tandem parking can be chosen by residents, and it can be per dwelling unit or shared among different dwelling or sleeping units based on usage rates. For example, someone may use their car more on weekdays, and someone else may use their car more on weekends. The more frequent car user will use the front tandem parking space, and the less frequent user will use the back tandem parking space.
36	Chapter 18.40 Development Standards –	RCW 36.70A.622 (2) Existing parking spaces that do not conform to the requirements of	Nonconforming Parking Added the requirements for nonconforming	This allows buildings to re-develop without having to meet the current parking standards. Any new

	Parking and Circulation	this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.	parking in KMC 18.40.110 Off-Street Parking Plan Design Standards.	development will have to conform to the new parking standards.
37	Chapter 18.52 Design Standards	RCW 36.70A.622 (1) (a) Garages and carports may not be required as a way to meet minimum parking requirements for residential development. RCW 36.70A.622 (1) (b) Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.	Garage Parking Omitted garage parking requirement for <i>townhomes</i> : “Townhouse Units. Each unit shall have an individual garage, enclosed under the living spaces. Such garage shall be located on a different façade from the main entry of the unit.”	Eliminating the garage requirement for townhomes could affect the design and make townhome facades less uniform across the city, as some developers may have unenclosed parking. However, this could make developing townhomes more cost-effective as garages are more expensive to build than driveways.
38	Chapter 18.77 Affordable Housing	RCW 36.70A.535 (6) Cities may not exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540.	Affordable Housing Added sleeping units into affordable housing incentive calculations by matching the density calculation: 1 sleeping unit = ¼ dwelling unit.	<i>Single Room Occupancy</i> housing will be eligible for affordable housing incentives at a rate of 1 sleeping unit = ¼ dwelling unit. <i>Single Room Occupancy</i> will be eligible for the same incentive programs as <i>Multiple-Family Dwelling</i> .
38	Chapter 15.40 Kenmore Property	RCW 36.70A.535 (4) Cities may not require through development regulations any standards for co-living housing	Restrictive Use Standards Omitted rooming house, housekeeping units, and	Rooming house, housekeeping units, and dormitory are not defined in the KMC. Rooming house and dormitory will now fall under <i>Single Room Occupancy</i> , which

	Maintenance Code	that are more restrictive than those that are required for other types of multifamily residential uses in the same zone.	dormitory from the property maintenance code.	cannot have more restrictive standards than multi-family uses. <i>Single Room Occupancy</i> falls under <i>Multiple-Family Dwelling</i> , so the property maintenance code for <i>Multiple-Family Dwelling</i> will apply.
--	------------------	--	---	--

Chapter 18.20

TECHNICAL TERMS AND LAND USE DEFINITIONS

18.20.2760 Sleeping unit.

18.20.2967 Tandem parking stall.

18.20.1521 Kitchenette

18.20.1521 Kitchenette. A kitchenette has limited cooking facilities, such as a sink, small one or two-burner stove, microwave, and mini-fridge, and may include adequate counter space for plug-in electric cooking appliances.

18.20.1520 Kitchen or kitchen facility.

~~“Kitchen or kitchen facility” means a room or space used for cooking or the preparation of food with all of the following: sink (not shared with sanitation facilities), 220-volt or natural gas stovetop with ventilation, refrigerator, and food preparation area. Portable or countertop appliances are not part of kitchen facilities.~~

~~“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).]~~

18.20.2760 Sleeping unit. A unit of measurement in *single room occupancy* housing that is at least 70 square feet (e.g. co-living, dormitories, congregate living facilities, boarding house, rooming house, lodging house, residential suites). There must be at least one shared *kitchen facility* for sleeping units to be considered *single room occupancy* housing. In-unit bathrooms are optional in sleeping units, but there must be access to a shared bathroom if an in-unit bathroom is not provided. This differs from a dwelling unit, which requires an in-unit kitchen and bathroom and must be at least 190 square feet. A sleeping unit may not have both private sanitation and kitchen facilities; however, *kitchenettes* may be allowed. When calculating dwelling unit density for single room occupancy housing, 1 sleeping unit = $\frac{1}{4}$ dwelling unit. When calculating fees for sewer connections for *single room occupancy* housing, 1 sleeping unit = $\frac{1}{2}$ dwelling unit.

18.20.2967 Tandem parking stall. Tandem is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress. Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.

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*, *bathroom facilities*, and rooms with internal accessibility, for use solely by the dwelling’s occupants. Dwelling units must have at least 190 square feet of habitable space. Every dwelling unit shall have not less than one room that shall have not less than 120 square feet of net floor area. Other habitable rooms of a dwelling unit shall have a net floor area of not less than 70 square feet. *Microhousing dwelling units* may share *kitchen facilities* with other dwelling units in place of providing *kitchen facilities* within each unit. [Ord. 16-0415 § 2 (Att. B); Ord. 11-0329 § 3 (Exh. 1).]

18.20.835 Dwelling, multiple-family.

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

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

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

C. Single room occupancy. A residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building (e.g. co-living, dormitories, congregate living facilities, boarding house, rooming house, lodging house, residential suites). Single room occupancy housing only consists of sleeping units, but single room occupancy may be combined with other dwelling unit types (e.g. an apartment complex could have a mix of single room occupancy housing, studios, 1-bedroom, 2-bedroom, and townhouse units).

Chapter 18.21

RESIDENTIAL ZONES

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following uses listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited* uses in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Air transportation service ¹	Ambulatory surgery center ²⁶⁵	Adult entertainment business
Arts, entertainment, indoor ^{2,3}	Arts, entertainment, outdoor ²⁷⁶	Animal kennel/shelter
Day care ⁴	Cemetery, columbarium or mausoleum ²⁸⁷	Auction house
Educational service ⁵	College/university ²⁶⁵	Automotive sales and service, marine
Family child-care home ⁶	Community residential facility ²⁹⁸	Automotive sales and service, non-marine
Fire or police facility ^{7,8}	Eating and drinking place ^{3,3029}	Business service, intensive
Health care and social assistance ^{9,10}	Hospital ²⁶⁵	Business service, standard
Multiple-family dwelling ^{11,12}	Manufactured housing community ³¹⁰	Cannabis business
Office ¹³²	Personal service ³²¹	Cannabis cooperative
Park ¹⁴³	Recreational facility, indoor ^{3,176,332}	Construction and trade
Recreational facility, outdoor ^{154,165,176}	Regional land use ^{343,354,365}	Funeral home/crematory
Religious institution ¹⁸⁷	Retail sales ^{321,376}	Laboratory
Resource land use ¹⁹⁸	Temporary lodging ³⁸⁷	Manufacturing, heavy
Single detached dwelling unit ^{2019,219}		Manufacturing, light
Standalone parking ²²¹		Mobile food service
Supportive living facility ²³²		Retail sales, bulk
Utility facility ^{243,254}		Secure facility
		Transportation

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

11. *Townhouse* units only permitted and only on *lots* in a subdivision or short subdivision designed for *townhouse* units. Other *townhouse* units require a *conditional use permit*. *Apartments* are prohibited.

12. Single room occupancy housing is permitted on any lot that allows at least six multifamily residential units.

132. *Public agency or utility office* permitted only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of Chapter 18.50 KMC. Otherwise, *public agency or utility office* is a conditional use. All other office uses are prohibited.

143. The following conditions and limitations shall apply, where appropriate:

a. Lighting for *structures* and fields shall be directed away from residential areas;

b. *Structures* or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones, except for *structures* in on-site recreation areas provided under KMC 18.30.130 or Chapter 20.47 KMC. Setback requirements for *structures* in these on-site required recreation areas shall be maintained in accordance with the zoning standards for the underlying residential zone.

154. Limited to *stable* and covered riding arena. All other *outdoor recreational facility uses* require a *conditional use permit* except campground, RV park, and shooting range which are prohibited.

165. Covered riding arenas are subject to KMC 18.70.030 and shall not exceed 20,000 square feet unless a *conditional use permit* is obtained. Stabling areas, whether attached or detached, shall not be counted in this calculation.

176. Conditionally permitted recreational facilities are subject to the following conditions and limitations:

a. The bulk and scale shall be compatible with residential character of the area;

b. The gross floor area shall not exceed 10,000 square feet unless the *building* is on the same *site* or adjacent to a *site* where a public facility is located or unless the *building* is a nonprofit facility; and

c. Use is limited to residents of a specified residential *development* or to *sports clubs* providing supervised instructional or athletic programs.

1 ~~187~~. Only as a re-use of a public school facility subject to Chapter 18.50 KMC. Otherwise, a
2 *conditional use permit* is required.

3 ~~198~~. Farming is permitted. All other *resource land uses* require a *conditional use permit*, except
4 mineral extraction, which is prohibited.

5 ~~2019~~. More than one *single detached dwelling unit* may be allowed on an individual *lot* through
6 the *conditional use permit* process. A *conditional use permit* is not required for *lots* in
7 subdivisions, short subdivisions or binding site plans approved as multiple unit *lots* or for
8 *accessory dwelling units*.

9 ~~210~~. *Manufactured homes* and *mobile homes* are allowed only in *manufactured housing*
10 *communities*. *Designated manufactured homes* are not restricted to *manufactured housing*
11 *communities*.

12 ~~221~~. Limited to *commuter parking lots* for users of transit, carpools or ride-share programs,
13 provided:

14 a. They are located on existing parking lots for *religious institutions*, schools,
15 or other permitted nonresidential *uses* which have excess capacity available
16 during commuting hours; and

17 b. The *site* is adjacent to a designated arterial that has been improved to a
18 standard acceptable to the *department*.

19 Other *commuter parking lots* require a *conditional use permit*. All other *standalone parking uses*
20 are prohibited.

21 ~~232~~. Only in a *building* listed on the National Register as an historic site or designated as a King
22 County landmark subject to the provisions of Chapter 2.20 KMC. Otherwise, a *conditional use*
23 *permit* is required.

24 ~~243~~. Excluding utilities using *bulk gas storage tanks*, which are a *conditional use*. Liquefied
25 natural gas storage tanks are prohibited.

26 ~~254~~. *Private stormwater management facilities* permitted except when participating in an
27 approved shared facility drainage plan. *Private stormwater management facilities* shall be
28 located on the same *lot* that they are designed to serve except in subdivisions or short
29 subdivisions that set aside a separate tract for such facilities. For shared facilities, such
30 facilities which are not located on the *lot* they are designed to serve shall be located on a *lot*
31 with the same or more intensive zoning designation.

32 ~~265~~. Only as a re-use of a public school facility or a surplus nonresidential facility subject to
33 Chapter 18.50 KMC.

34 ~~276~~. Outdoor performance center and drive-in theater are prohibited.

35 ~~287~~. *Structures* shall maintain a minimum distance of 100 feet from property lines adjoining
36 residential zones.

37 ~~298~~. *Community residential facility I* only. *Community residential facility II* is prohibited.

1 ~~3029~~. Not permitted in R-1 and excluding drinking places, and limited to a maximum of 5,000
2 square feet of gross floor area and subject to KMC 18.21.070.

3 ~~310~~. *Manufactured housing communities* are not permitted in the R-1 zone.

4 ~~321~~. Not permitted in R-1 and limited to a maximum of 5,000 square feet of gross floor area and
5 subject to KMC 18.21.070.

6 ~~332~~. Bowling center and shooting range are prohibited.

7 ~~343~~. *Hydroelectric generation facilities* limited to those that comply with the following:

8 a. Any new diversion structure shall not: (1) exceed a height of eight feet as
9 measured from the streambed; or (2) impound more than three surface acres
10 of water at the normal maximum surface level;

11 b. There shall be no active storage;

12 c. The maximum water surface area at any existing dam or diversion shall not
13 be increased;

14 d. An exceedance flow of no greater than 50 percent in mainstream reach
15 shall be maintained;

16 e. Any transmission line shall be limited to a: (1) right-of-way of five miles or
17 less; and (2) capacity of 230 kV or less;

18 f. Any new, permanent access road shall be limited to five miles or less; and

19 g. The facility shall only be located above any portion of the *stream* used by
20 *anadromous fish*.

21 ~~354~~. *Nonhydroelectric generation facilities* limited to *cogeneration* facilities for on-site use only.

22 ~~365~~. Fairground, amusement park, and stadium/arena are prohibited.

23 ~~376~~. Pet shops and auto supply stores are prohibited.

24 ~~387~~. Bed and breakfast guesthouse only, subject to the following conditions:

25 a. The guesthouse shall be owner-occupied;

26 b. Meals shall be served to paying guests only (no restaurant use permitted);

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

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

30 e. The guesthouse shall be compatible with the neighborhood character as
31 determined by the *city manager*, and shall not create significant adverse
32 neighborhood effects that cannot be mitigated.

18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S	R-1 ¹	R-4	R-6
Base Density: <i>Dwelling Unit/Acre</i> ²		1 du/ac	4 du/ac ³	6 du/ac
Maximum Density: <i>Dwelling Unit/Acre</i> ^{2,4}			6 du/ac	9 du/ac
Minimum Density ²				
Minimum Lot Width ⁶		35 ft. ⁷	30 ft.	30 ft.
Minimum <i>Street Setback</i>		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum <i>Side Setback</i> ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum <i>Rear Setback</i> ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Maximum Height ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Base <i>Impervious Surface</i> : Percentage		30%	45%	60%
Maximum <i>Impervious Surface</i> : Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

² Density calculations apply ies only to *dwelling units* and not to *sleeping units*. *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.

The following zone-specific development standards in Table E apply in the R-12, R-18, R-24, R-48, and MHC residential zones:

Table E. R-12, R-18, R-24, R-48, and MHC Residential Zones Development Standards

STANDARDS	Z O N E S	R-12	R-18	R-24	R-48	MHC ¹²
Base Density: <i>Dwelling</i>		12 du/ac	18 du/ac	24 du/ac	48 du/ac	12 du/ac

STANDARDS	Z O N E S	R-12	R-18	R-24	R-48	MHC ¹²
<i>Unit/Acre</i> ¹						
Maximum Density: <i>Dwelling Unit/Acre</i> ^{1,2}		18 du/ac	27 du/ac	36 du/ac	72 du/ac	18 du/ac
Minimum Density ^{1,11}		80%	75%	70%	65%	80%
Minimum Lot Width ⁴		30 ft.	30 ft.	30 ft.	30 ft.	--
Minimum <i>Street Setback</i>		10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft. ⁶	10 ft.
Minimum <i>Side Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Minimum <i>Rear Setback</i> ^{3,5}		5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft. ⁷	5 ft.
Base Height ⁸		60 ft.	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	60 ft. 80 ft. ⁹	35 ft.
Maximum <i>Impervious Surface: Percentage</i> ¹⁰		85%	85%	85%	90%	85%
Minimum Lot Size		--	--	--	--	--

¹ Density calculations apply only to *dwelling units* and not to *sleeping units*. *Sleeping units* are calculated as 1 sleeping unit = ¼ dwelling unit.

Chapter 18.22

NEIGHBORHOOD BUSINESS ZONE

18.22.020 Neighborhood business zone – Development standards.

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

Table B. Neighborhood Business Zone Development Standards

	Z O N E	NEIGHBORHOOD BUSINESS
STANDARDS		NB
Base Density: <i>Dwelling</i>		8 du/ac

	Z O N E	NEIGHBORHOOD BUSINESS
STANDARDS		NB
<i>Unit/Acre</i> ¹		
Maximum Density: <i>Dwelling Unit/Acre</i> ¹		24 du/ac ²
Minimum Street Setback		10 ft. ³ ; or 0 ft. for a mixed use <i>building</i> with commercial on the <i>ground floor</i> or for any <i>building</i> with structured parking
Minimum Interior Setback		20 ft. ⁴⁵
Base Height		35 ft. 45 ft. ⁵⁷
Maximum <i>Impervious</i> Surface: Percentage ⁶⁹		85%

¹ ~~Repealed by Ord. 18-0454.~~ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

² This density may only be achieved through *mixed use development* or through the application of residential density incentives or *transfer of density credits*. See Chapter 18.80 KMC.

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

⁴ ~~Repealed by Ord. 18-0454.~~

⁴⁵ Required on property lines adjoining residential zones except when a *townhouse development* is proposed to be located adjacent to property upon which an existing *townhouse development* is located.

⁶ ~~Repealed by Ord. 18-0454.~~

⁵⁷ This base height is allowed only for *mixed use developments*.

⁸ ~~Repealed by Ord. 18-0454.~~

⁶⁹ 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*.

Chapter 18.23 COMMUNITY BUSINESS ZONE

18.23.040 Community business zone – Development standards.

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

Table B. Community Business Zone Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i> ¹	24
Minimum Density: <i>Dwelling Units/Gross Acre</i> ¹	18
Maximum Density: <i>Dwelling Units/Gross Acre</i> : ¹	
West Subarea	36 for <i>mixed use development</i> .
Juanita Subarea	36 if affordable housing is provided as described in Chapter 18.77 KMC.
Minimum <i>Street Setback</i> ²⁺	10 feet; or 0 feet for a <i>mixed use building</i> with commercial on the <i>ground floor</i> or for any <i>building</i> with structured parking.
Minimum Interior <i>Setback</i> ²⁺ :	
West Subarea	0 feet for commercial or <i>mixed use development</i> except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. 5 feet landscaped <i>setback</i> for residential except for <i>interior lot lines</i> adjoining property zoned R-1 to R-6. Native vegetation is encouraged. For all <i>interior lot lines</i> adjoining a property zoned R-1 to R-6 a 15-foot landscaped <i>setback</i> of native vegetation is required.
Juanita Subarea	20 feet ³²
Base Height:	
West Subarea ⁴³	35 feet
Juanita Subarea	35 feet 45 feet ⁵⁴
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Downtown Design Standards.

¹ *Sleeping units* are calculated as 1 sleeping unit = ¼ dwelling unit.

²⁺ Any portion of *development* that occurs underground is exempt from property line *setback* requirements of this section.

³² Required on property lines adjoining residential zones.

⁴³ The exceptions to height limits listed in KMC 18.30.060 do not apply to the base height allowed in CB west. Any *development* utilizing the exception to height limits for the CB zone between 61st Avenue NE and 65th Avenue NE shall dedicate 25 percent of the average lot width above 35 feet in height as a view corridor to Lake Washington.

Exceptions to height limitations for the base height in CB west shall be:

a. Roof *structures* housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for *building* operations and maintenance may extend up to 10 feet above the 35-foot base height for a maximum of 25 percent of the average lot width.

b. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, utility line towers and poles, and similar *structures* may extend up to three feet above the maximum base height of 35 feet.

c. Roof details or features that are used to comply with the roof form requirements of KMC 18.52.220 may extend a maximum of 10 feet above the 35-foot base height.

⁵⁴ This maximum height is allowed only for *mixed use developments*.

Chapter 18.24

DOWNTOWN RESIDENTIAL ZONE

18.24.020 Downtown residential zone – Use allowances.

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

Table A. Downtown Residential Zone Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Arts, entertainment, indoor ¹	Eating and drinking place ¹	Adult entertainment business
Auction house, existing ²	Educational service ³	Air transportation service
Business service, standard ³	Health care and social assistance ¹⁰	Ambulatory surgery center
Community residential facility	Religious institution	Animal kennel/shelter
Day care ⁴	Supportive living facility	Arts, entertainment, outdoor
Family child-care home ⁵	Utility facility ¹¹	Automotive sales and service, marine
Manufactured housing		Automotive sales and service,

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
<i>community</i> ¹²		<i>non-marine</i>
<i>Multiple-family dwelling</i> ⁶		<i>Business service, intensive</i>
<i>Office</i> ³		<i>Cemetery, columbarium or mausoleum</i>
<i>Park</i>		<i>College/university</i>
<i>Personal service</i> ³		<i>Construction and trade</i>
<i>Recreational facility, indoor</i>		<i>Fire or police facility</i>
<i>Retail sales</i> ^{3,7}		<i>Funeral home/crematory</i>
<i>Single detached dwelling unit, existing legal</i> ⁸		<i>Hospital</i>
<i>Temporary lodging</i> ⁹		<i>Laboratory</i>
		<i>Manufacturing, heavy</i>
		<i>Manufacturing, light</i>
		<i>Marijuana business</i>
		<i>Marijuana cooperative</i>
		<i>Mobile food service</i>
		<i>Recreational facility, outdoor</i>
		<i>Regional land use</i>
		<i>Resource land use</i>
		<i>Retail sales, bulk</i>
		<i>Secure facility</i>
		<i>Standalone parking</i>
		<i>Transportation</i>
		<i>Vehicle or equipment rental</i>
		<i>Vehicle refueling station</i>
		<i>Warehousing</i>
		<i>Wholesale trade</i>

- 1
- 2 6. Townhouses are required to have four units minimum in a cluster. ~~Enclosed under building-~~
- 3 ~~parking is required per Chapter 18.52 KMC, Design Standards.~~

Chapter 18.24

DOWNTOWN RESIDENTIAL ZONE

18.24.040 Zoning standards.

Specific zone-based development standards for the downtown residential zone in Table B apply to the DR zone as follows:

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i> ¹	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units/Gross Acre with Density Bonus Incentives</i> ¹	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: <i>Dwelling Units/Net Acre</i> ¹	18 – <i>Townhouse only development</i> 18 – 36 – <i>Townhouse/apartment combination development</i> 36 – <i>Apartments</i>
Minimum Lot Width	<i>Townhouse</i> – 20 ft. <i>Apartment</i> – 30 ft.
Minimum <i>Street Setback</i>	Primary <i>structure</i> – 6 ft. min.; 8 ft. min. average Garage, carport, paved parking – 10 ft.
Maximum <i>Street Setback</i>	West of 68th Avenue NE, the maximum <i>setback</i> is 10 ft.
Minimum Interior <i>Setback</i>	5 ft.; otherwise when adjoining property zoned R-1 to R-6 zone then 20 ft.
Maximum Height	East of 68th Avenue NE – 60 ft. or 80 ft. if providing density incentives per Chapter 18.80 KMC West of 68th Avenue NE – 80 ft. ²¹
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections shall be provided in accordance with Chapter 18.52 KMC, Design Standards

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²¹ Through the design review process the city manager may require greater upper story setbacks, or mass and bulk reductions, than otherwise stated in KMC 18.52.310 in order to achieve greater compatibility of *development* where DR zoned property abuts property zoned R-1 to R-12. For example, greater upper story setbacks may be required in proportion to the height of *structures* above 60 feet.

Chapter 18.24A

URBAN RESIDENTIAL ZONE

18.24A.040 Zoning standards.

The following development standards in Table B apply in the urban residential zone:

Table B. Urban Residential Zone Development Standards

STANDARD	REQUIREMENT
Minimum Density: <i>Dwelling Units/Gross Acre</i> ¹	60
Maximum Density: <i>Dwelling Units/Gross Acre</i> ¹	150
Maximum Height	85' ²
Minimum Lot Width	30' ³
<i>Street Setback</i>	Minimum 10' from SR-522 unless otherwise allowed through Chapter 18.52 KMC, Design Standards; other <i>streets</i> 0' Maximum 10' unless otherwise allowed through Chapter 18.52 KMC, Design Standards.
Minimum Side Setback ⁴	5'
Minimum Rear Setback ⁴	5'
Maximum Impervious Surface	90%

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²⁴ Portions of any property that are within 50 feet of an R-1, R-4, R-6, or MHC zoning district shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

³² Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see Chapter 18.55 KMC, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

⁴³ Minimum lot width measurement is described in KMC 18.30.110.

⁵⁴ Any proposed development adjacent to an R-1, R-4, R-6, or MHC zoning district shall be required to provide a setback of 15 feet on the side of the property facing that zone. The setback shall be landscaped with Type II landscaping as described in KMC 18.35.045 to provide a visual buffer.

Chapter 18.25

DOWNTOWN COMMERCIAL ZONE

18.25.040 Zoning standards.

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

Table B. Downtown Commercial Development Standards

STANDARD	REQUIREMENT
Maximum Density: <i>Dwelling Units</i> /Gross Acre ¹	150
Minimum Density: <i>Dwelling Units</i> /Net Acre for Standalone Multifamily Proposals ¹	60
<i>Street Setback</i>	Minimum 10 ft. from SR-522, unless otherwise allowed through Chapter 18.52 KMC, Design Standards; other streets 0 ft. Maximum 10 ft. unless otherwise allowed through Chapter 18.52 KMC, Design Standards The City may authorize intrusions of structural elements into the public right-of-way, including awnings, columns, bay windows, or others, through the design review, site plan review, building permit review, or right-of-way use permit processes, if such intrusions would not impede safe travel by pedestrians, solar access is not significantly diminished, and City liability is limited
Minimum Interior Setback	0 ft.; except when property adjoins R-1 to R-12 property, then 20 ft.
Maximum Height	West of 73rd Avenue NE: 65 ft. East of 73rd Avenue NE: 85 ft. ²⁴
Maximum <i>Impervious Surface</i> : Percentage	90%
Pedestrian Connections	Pedestrian connections are required to be provided in accordance with Chapter 18.52 KMC, Design Standards

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²⁴ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see Chapter 18.55 KMC,

Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

Chapter 18.25A

URBAN CORRIDOR ZONE

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
Urban Corridor West Subarea Base Density: <i>Dwelling Units/Acre</i> ¹	48 du/ac
Urban Corridor West Subarea Maximum Density: <i>Dwelling Units/Acre</i> ¹	72 du/ac ²⁺
Urban Corridor East Subarea Minimum Density: <i>Dwelling Units/Acre</i> ¹	60 du/ac
Urban Corridor East Subarea Maximum Density: <i>Dwelling Units/Acre</i> ¹	150 du/ac
Minimum <i>Street Setback</i>	10 ft. ³²
Minimum <i>Interior Setback</i>	20 ft. ⁴³
Maximum Height:	
Urban Corridor East Subarea	85 ft. ^{65,76}
Urban Corridor West Subarea:	
• south of SR-522	35 ft.
• north of SR-522 west of	35 ft.

STANDARD	REQUIREMENT
63rd Ave. NE	
• north of SR-522 east of 63rd Ave. NE	35 ft. ⁵⁴
Maximum <i>Impervious Surface</i> : Percentage	90%

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²⁴ 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.

³² Gas station pump islands shall be placed no closer than 25 feet to *street front lines*.

⁴³ Required on property lines adjoining residential zones.

⁵⁴ The maximum height on a *site* north of SR-522 east of 63rd Avenue NE may be increased up to a maximum of 55 feet 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 feet 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 feet, the maximum height for the *site* may be increased to that difference. In no case, however, shall the maximum allowable height exceed 55 feet.

⁶⁵ Portions of any property that are within 50 feet of an R-1, R-4, R-6, or MHC zoning district shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

⁷⁶ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see Chapter 18.55 KMC, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

18.25B.040 Zoning standards.

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

Chapter 18.25B

WATERFRONT COMMERCIAL ZONE

Table B. Waterfront Commercial Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units/Gross Acre</i> ¹	48
Maximum Density: <i>Dwelling Units/Gross Acre</i> ¹	72 du/ac ²⁺
<i>Street Setback</i>	10 ft. ³²
<i>Minimum Interior Setback</i>	20 ft. ⁴³
Maximum Height	40 ft.
Maximum <i>Impervious Surface</i> : Percentage	90%

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²⁺ 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.

³² Fuel pump islands shall be placed no closer than 25 feet to *street front lines*.

⁴³ Required on property lines adjoining residential zones.

Chapter 18.26

REGIONAL BUSINESS ZONE

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> ¹	48 du/ac
Maximum Density: <i>Dwelling Units/Acre</i> ¹	72 du/ac ²¹
Minimum <i>Street Setback</i>	10 ft. ³²
Minimum Interior <i>Setback</i>	20 ft. ⁴³
Maximum Height	55 ft.
Maximum <i>Impervious Surface</i> : Percentage	90%

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²¹ 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.

³² Gas station pump islands shall be placed no closer than 25 feet to street front lines.

⁴³ Required on property lines adjoining residential zones.

Chapter 18.27

PUBLIC AND SEMI-PUBLIC ZONE

18.27.040 Public and semi-public zone – Development standards.

A. Specific zone-based development standards for the public and semi-public zone in Table B shall apply to the public and semi-public zone as follows:

Table B. Public and Semi-Public Zone Development Standards

Standard	Requirement
Maximum Density: <i>Dwelling Units/Gross Acre</i> ¹	150 ²¹
Minimum Lot Size	4,500 sq. ft. ³²
Minimum Lot Width	35 ft.

Standard	Requirement
Minimum <i>Street Setback</i>	0 ft., 10 ft., or 20 ft. ⁴³
Minimum Interior <i>Setback</i>	0 ft., 5 ft., or 20 ft. ⁴³
Base Height	35 ft. ^{54,65}
Maximum <i>Impervious Surface</i> : Percentage	70%, 90% ⁷⁶

¹ *Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.*

²⁴ Maximum density allowed only for development projects abutting SR-522 and containing at least 25 percent *very low-income* or *low-income affordable housing units*. Permitted densities for other housing projects shall be consistent with permitted residential densities in adjoining zoning districts.

³² The minimum lot size may be reduced if the *city manager* determines *use* on the site is compatible with adjoining property, does not impair *development* of adjoining property and does not adversely affect the public health, safety or welfare.

⁴³ a. *Street setbacks*: the minimum *street setback* for nonresidential or *mixed use development* varies depending on the adjacent zoning:

(1) Zero feet if adjacent zoning is downtown commercial or downtown residential.

(2) Twenty feet if adjacent zoning is R-1 to R-6.

(3) Ten feet in all other cases.

b. *Interior setbacks* for nonresidential or *mixed use development*: zero feet if adjacent zoning is downtown commercial or downtown residential; 20 feet if adjacent zoning is R-1 to R-6; five feet in all other cases.

c. Setbacks for residential development shall match those of the adjoining zoning district.

⁵⁴ Height limits may be increased when portions of the *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 does not exceed 75 feet. Properties abutting downtown commercial or downtown residential zones or regional business zones may achieve the heights allowed by those abutting zones if meeting conditions for the maximum height as expressed in those abutting zones.

⁶⁵ Building heights and orientation for proposals within the great blue heron rookery buffer shall be carefully assessed through the required habitat management plan (see Chapter 18.55 KMC, Articles XIII through XV). In particular, potential impacts related to the flyway and shadowing of nest trees shall be evaluated. The *city manager* may require adjustments to maximum building height and/or building orientation to protect the rookery.

⁷⁶ a. Ninety percent if abutting properties are zoned downtown commercial or downtown residential or regional business. Seventy percent in all other cases.

b. Measures to reduce *impervious surfaces* and to promote *low impact development* shall be employed unless infeasible, consistent with adopted Kenmore stormwater management standards.

Chapter 18.29

TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT OVERLAY

18.29.050 Zoning standards.

The following development standards in Table B apply to properties electing to develop under provisions of the TOD district overlay:

Table B – TOD Overlay District Development Standards

STANDARD	REQUIREMENT
Minimum Density: Dwelling Units/Gross Acre ¹	60 ²¹
Maximum Density: Dwelling Units/Gross Acre ¹	150 ²¹
Maximum Height	65' ³²

¹ Sleeping units are calculated as 1 sleeping unit = ¼ dwelling unit.

²¹ Portions of any property developing under the TOD district overlay regulations with an underlying zoning of R-1 shall cluster development away from critical areas or corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least 50 percent of the site. The open space tract shall be permanent and meet the provisions of KMC 17.20.130(B).

³² Portions of any property developing under the TOD district overlay regulations that are within 50 feet of a single-family zone (R-1, R-4, R-6) shall have a maximum height of 35 feet within that area to provide a transition in height to the lower intensity uses.

18.29.070 Parking.

Parking in the TOD district overlay should be sufficient to support local businesses and residential development, while at the same time promoting transit ridership, walkable streets, and efficient use of land. Proposed development choosing to develop under the TOD district overlay shall provide parking as follows:

1 A. Minimum parking requirements for nonresidential uses may be reduced to 75 percent of the
2 minimum requirement computed according to the provisions of KMC 18.40.030.

3 B. Minimum residential parking shall be supplied at the ratios provided in KMC 18.40.055:

4 1. Market-rate dwelling unit, exception as follows:

5 a. Pioneer Project Incentive. For purposes of this section, a pioneer project consists of
6 the first 100 bonus housing units provided in the city under the TOD district overlay
7 regulations. The first 100 bonus housing units in a pioneer project(s) may elect to
8 provide parking spaces for market rate bonus units at 0.6 parking spaces per dwelling
9 unit.

10 2. Except as otherwise provided in KMC 18.40.055, one additional parking space per every
11 five market rate dwelling units shall be provided and designated as guest parking for use by
12 all guests.

13 3. For single room occupancy housing, no minimum parking is required for developments
14 within one-half mile walking distance of a major transit stop (any TOD parcel).

15 C. The following factors shall count towards minimum parking standards for residential and
16 nonresidential development:

17 1. On-street parking immediately adjoining a property proposed for development or provided
18 as part of the proposed development may be counted toward the minimum parking
19 requirement.

20 2. Minimum on-site parking may be reduced further by provisions of KMC 18.40.090(B) for
21 properties within the TOD district overlay that meet the requirements of KMC 18.40.090(B)
22 for accessibility to high frequency transit service.

23 3. Shared parking among uses is encouraged within the TOD district overlay. Developments
24 that propose shared parking arrangements shall submit a parking management plan as
25 defined in KMC 18.20.1995 that describes the terms and conditions of shared parking
26 arrangements on site.

27 D. Parking Provided in Excess of Minimum. Provision of parking in excess of the minimum
28 parking requirements outlined in subsections A and B of this section shall require the excess
29 parking be included in a structured parking garage, or under building and screened from the
30 street frontage, unless the additional parking is associated with a phased, mixed use
31 development, is interim in nature, and is temporarily located on land reserved for future phases
32 not yet built.

33 E. Maximum parking within the TOD district overlay shall not exceed the minimum requirement
34 calculated under the provisions of KMC 18.40.030.

35 1. Applicants may be allowed to exceed the maximum parking if the applicant can produce
36 a parking study that demonstrates probable on-site parking needs that are significantly
37 higher than similar uses. This traffic study shall be subject to review by the city manager
38 before approval for additional parking is granted. All parking granted in excess of the

maximum shall be provided in a structured parking garage or under building and screened from the street frontage.

F. All other parking requirements shall be as provided in Chapter 18.40 KMC. [Ord. 24-0609 § 1 (Exh. A); Ord. 22-0543 § 3(C) (Exh. A); Ord. 16-0428 § 13 (Att. I); Ord. 15-0406 § 1 (Att. A).]

18.29.100 Significant tree grove retention.

A. Definitions.

1. Significant Tree Grove Definition. A "significant tree grove" shall consist of two or more trees with a minimum of five and one-half tree units total. A qualifying tree has two tree units minimum. The maximum distance measured in feet between qualifying trees shall be equal to two times the critical root zone in order to be defined as a significant tree grove. For example a 24-inch d.b.h. tree must be within 24 feet of another tree in the grove to be included in the significant tree grove. A tree of any size that is topped or considered a "hazard tree" as defined in KMC 18.20.3084 may not qualify as part of a significant tree grove as herein defined. For purposes of this chapter, a significant tree grove may not contain trees that are located within a critical area or critical area buffer protected under Chapter 18.55 KMC. A significant tree grove is not the same as a "grove," as defined in KMC 18.20.1273.

2. Tree Units. See KMC 18.57.060(B) for translation of diameter at breast height (d.b.h.) to tree units.

B. Applicability.

1. If the underlying zone within the TOD district overlay requires tree retention as provided in Chapter 18.57 KMC, then the provisions of Chapter 18.57 KMC shall be retained. If Chapter 18.57 KMC exempts a property from tree retention then it shall remain exempt.

2. Development proposals within the boundaries of the TOD district overlay that elect to develop under the provisions of this chapter shall be eligible to benefit from ~~providing less parking or more dwelling units or any combination of the two~~ if the development retains one or more significant tree grove(s) as defined in this section in perpetuity. ~~A development may be able to benefit from both reduced parking and additional dwelling units by preserving a significant tree grove so long as the same tree credits are not counted towards both reductions in parking and additional bonus dwellings.~~ Trees or groves retained through the provisions of Chapter 18.57 KMC may count towards the significant tree grove retention if they meet the definitions found in subsection A of this section.

3. Tree on Property Line. In instances where one or more trees that would qualify as part of a significant tree grove is located on a property line such that the tree is on more than one property, and the properties are in separate ownerships, the tree shall qualify to be counted as part of a separate tree grove by each property owner.

C. Tree Retention – Residential Land Uses. Where compliance with both parking requirements and tree retention requirements would make a proposed residential development or redevelopment infeasible, there is no minimum parking requirement in order to meet minimum tree retention requirements. Reduced Parking. In order to retain qualifying significant tree groves, required parking may be reduced at the maximum rate of one stall per each five and

~~one-half tree units. Parking quantities may be reduced up to a maximum of 20 percent from the parking requirement after other reductions are applied, if any.~~

D. Residential Bonus Units. In order to retain qualifying significant tree groves, residential units are offered at the rate of one bonus unit per each 11 tree units preserved. Grove bonus units are not included in maximum unit density calculations. Grove bonus units are not subject to the affordability requirements of KMC 18.29.060.

E. Significant Tree Grove Preservation Requirements.

1. Tree Protection Plan Required. A tree protection plan as identified in KMC 18.57.050 shall be required for any development application proposing to protect one or more significant tree groves through this section.

2. Recorded on Title. The map of significant tree groves preserved through this section, along with a covenant preventing removal, shall be recorded and shown on the property title.

3. Subject to Tree Protection Measures of Chapter 18.57 KMC. Significant tree groves protected under this section shall be subject to the tree protection measures during construction found in KMC 18.57.090, the post-construction replacement, financial guarantee, and maintenance requirements of KMC 18.57.100, and the penalties and enforcement of KMC 18.57.110. [Ord. 22-0543 § 3(C) (Exh. A); Ord. 15-0406 § 1 (Att. A).]

Chapter 18.30

DEVELOPMENT STANDARDS - GENERAL

18.30.020 Density calculations – Allowable dwelling units, lots or floor area.

Permitted number of *dwelling units* or *lots* or floor area shall be determined as follows:

A. The allowed number of *dwelling units* or *lots* (base density) shall be computed by multiplying the *site area* by the applicable residential base density number;

B. The maximum density (unit or *lot*) limits shall be computed by adding the bonus or transfer units authorized by Chapter 18.80 KMC to the base units computed under subsection A of this section;

C. The allowed floor area shall be computed by applying the *floor area ratio* to the project *site area*; and

D. Except for short subdivisions of four or fewer *lots*, when density calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded up; and

2. Fractions below 0.50 shall be rounded down.

E. When density calculations result in a fraction, the permitted number of *lots* derived from short subdivisions of four or fewer *lots* shall be rounded as follows:

1. For a short subdivision resulting in less than two *lots* (base density) as described in subsection A of this section, fractions of 0.85 shall be rounded up to the nearest whole number and fractions below 0.85 shall be rounded down.

2. For a short subdivision resulting in more than two but less than three *lots* (base density) as described in subsection A of this section, fractions of 0.75 shall be rounded up to the nearest whole number and fractions below 0.75 shall be rounded down.

3. For a short subdivision resulting in more than three *lots* but less than four *lots* (base density) as described in subsection A of this section, fractions of 0.60 shall be rounded up to the nearest whole number and fractions below 0.60 shall be rounded down. [Ord. 11-0329 § 3 (Exh. 1).]

F. Sleeping units shall be calculated as 1 sleeping unit = ¼ dwelling unit.

Chapter 18.40

DEVELOPMENT STANDARDS – PARKING AND CIRCULATION

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC 18.40.035, 18.40.040, 18.40.050, 18.40.055 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
RESIDENTIAL¹:		
<i>Single detached dwelling unit</i>	2.0 per dwelling unit	2.0 per dwelling unit; tandem stalls permitted
<i>Townhouse</i>	2.0 per dwelling unit	1.5 per dwelling unit; tandem stalls permitted
<i>Guest parking</i>	1 space for every 5 units	1 space for every 5 units
<i>Apartment:</i>		

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>Microhousing dwelling unit</i>	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du.- Tandem stalls permitted
Studio unit	1.2 per dwelling unit	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per dwelling unit	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per dwelling unit	1.5:du; tandem stalls permitted
Three-bedroom unit or larger	2.0 per dwelling unit	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<i>Manufactured housing community</i>	2.0 per dwelling unit	2.0 per dwelling unit
<i>Senior citizen assisted living</i>	1 per 2 dwelling or sleeping units	1 per 2 dwelling or sleeping units
<i>Community residential facility</i>	1 per 2 bedrooms	1 per 2 bedrooms
<i>Single Room Occupancy Dormitory, including religious</i>	<i>Within ½ mile of a Major Transit Stop: 0 off-street parking spaces per sleeping unit. More than ½ mile of a Major Transit Stop: no more than 0.25 off-street parking spaces per sleeping unit. 1 per 2 bedrooms</i>	<i>No minimum parking spaces required 1 per 2 bedrooms</i>
<i>Hotel/motel</i>	1 per bedroom	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility	1 per guest room, plus 2 per facility
Other residential land uses	(city manager)	(city manager)
RECREATIONAL/CULTURAL:		
<i>Recreational/cultural land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
Bowling center	5 per lane	5 per lane

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
Golf course	3 per hole, plus 1 per 300 square feet of clubhouse facilities	–
Tennis club	4 per tennis court, plus 1 per 300 square feet of clubhouse facility	–
Golf driving range	1 per tee	–
<i>Park/playfield</i>	<i>(city manager)</i>	<i>(city manager)</i>
Theater	1 per 3 fixed seats	1 per 3 fixed seats
<i>Conference center</i>	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
<i>Artist studio</i>	0.9 per 1,000 square feet of area used for studios	0.9 per 1,000 square feet of area used for studios
GENERAL SERVICES:		
<i>General services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Funeral home/crematory</i>	1 per 50 square feet of chapel area	–
<i>Day care I</i>	2 per facility	2 per facility
<i>Day care II</i>	2 per facility, plus 1 space for each 20 children	2 per facility, plus 1 space for each 20 children
<i>Religious institution</i>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and veterinary clinic office	1 per 300 square feet of office, labs and examination rooms	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care facility	1 per 4 beds	–
<i>Hospital</i>	1 per bed	1 per bed
Elementary school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students

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
Secondary schools:		
Middle/junior high school	1 per <i>school classroom</i> , plus 1 per 50 students	1 per <i>school classroom</i> , plus 1 per 50 students
High school	1 per <i>school classroom</i> , plus 1 per 10 students	1 per <i>school classroom</i> , plus 1 per 10 students
High school with stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium	Greater of 1 per <i>school classroom</i> , plus 1 per 10 students, or 1 per 3 fixed seats in stadium
<i>Vocational school</i>	1 per <i>school classroom</i> , plus 1 per 5 students	1 per <i>school classroom</i> , plus 1 per 5 students
<i>Specialized instruction school</i>	1 per <i>school classroom</i> , plus 1 per 2 students	1 per <i>school classroom</i> , plus 1 per 2 students
<i>College/university</i>	1 per 2 commuting students, faculty and staff	–
GOVERNMENT/BUSINESS SERVICES:		
<i>Government/business services land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Public agency yard</i>	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas	–
<i>Public agency archive</i>	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas	–
Court	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
<i>Fire or police facility</i>	(city manager)	(city manager)
<i>Construction and trade</i>	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
<i>Warehousing and storage</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area

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>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
<i>Outdoor advertising services</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area	–
<i>Heavy equipment repair</i>	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas	–
RETAIL/WHOLESALE:		
<i>Retail land uses</i>	1 per 300 square feet	1 per 300 square feet
Exceptions:		
<i>Food stores, less than 15,000 square feet</i>	3 plus 1 per 350 square feet	3 plus 1 per 350 square feet
<i>Vehicle refueling stations w/o grocery</i>	3 per facility, plus 1 per service bay	3 per facility, plus 1 per service bay
<i>Vehicle refueling stations w/grocery, no service bays</i>	1 per facility, plus 1 per 300 square feet of store	1 per facility, plus 1 per 300 square feet of store
<i>Restaurants</i>	1 per 75 square feet in dining or lounge areas	1 per 75 square feet in dining or lounge areas
<i>Wholesale trade uses</i>	0.9 per 1,000 square feet	0.9 per 1,000 square feet
<i>Retail sales and wholesale trade mixed use</i>	1 per 300 square feet	1 per 300 square feet
MANUFACTURING:		
<i>Manufacturing land uses</i>	0.9 per 1,000 square feet	–
Exceptions:		
<i>Winery/brewery</i>	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area	–
RESOURCES:		
<i>Resource land uses</i>	(city manager)	–
REGIONAL:		
<i>Regional land uses</i>	(city manager)	(city manager)

¹Tandem parking stalls shall be permitted in all residential land uses.

1 B. An *applicant* may request a modification of the minimum required number of *parking spaces*
2 by providing a parking demand analysis demonstrating that parking demand can be met with a
3 reduced parking requirement. In such cases, the *city manager* may approve a reduction of up to
4 50 percent of the minimum required number of spaces.

5 C. When the *City* has received a shell building permit application, off-street parking requirements
6 shall be based on the possible tenant improvements or *uses* authorized by the zone designation
7 and compatible with the limitations of the shell permit. When the range of possible *uses* results
8 in different parking requirements, the *city manager* will establish the amount of parking based
9 on a likely range of *uses*.

10 D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum
11 parking requirements, those provisions shall apply.

12 E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be
13 provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise
14 specified.

15 1. Off-street parking areas shall contain at least one bicycle parking space for every 12
16 spaces required for motor vehicles except as follows:

17 a. The *city manager* may reduce bike rack parking facilities for patrons when it is
18 demonstrated that bicycle activity will not occur at that location.

19 b. The *city manager* may require additional spaces when it is determined that the *use* or
20 its location will generate a high volume of bicycle activity. Such a determination will
21 include but not be limited to the following *uses*:

22 (1) *Park/playfield*;

23 (2) *Marina*;

24 (3) *Library/museum/arboretum*;

25 (4) *Elementary/secondary school*;

26 (5) *Sports club*; or

27 (6) *Retail business* (when located along a developed bicycle *trail* or designated
28 bicycle route).

29 2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and
30 shall be designed to allow either a bicycle frame or wheels to be locked to a *structure*
31 attached to the pavement.

32 3. All bicycle parking and storage shall be located in safe, visible areas that do not impede
33 pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

34 4. When more than 10 people are employed on site, enclosed locker-type parking facilities
35 for employees shall be provided. The *city manager* shall allocate the required number of
36 parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two *dwelling units* in *townhouse* and *apartment* residential *uses*, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

F. Exceedance of Minimum Parking – Zones Other Than Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE. Provision of parking shall not exceed 30 percent more than the minimum parking requirements unless the excess parking spaces are included in a structured parking garage, or under building and screened from the street frontage, unless the additional parking is associated with a phased, mixed use development and is interim in nature.

G. Tree Retention

~~1. —~~ 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.

~~1.2. —~~ Tree Retention – Residential Land Uses. Where compliance with both parking requirements and tree retention requirements would make a proposed residential development or redevelopment infeasible, there is no minimum parking requirement in order to meet minimum tree retention requirements.

H. Critical Area or Buffer Protection. When unavoidable, the *city manager* may reduce minimum parking requirements in order to maximize the protection of a *critical area* or its *buffer*. The reduction in the number of parking stalls or alternative stall or drive aisle dimensional requirements shall be in proportion to the area to be retained in the *buffer* or *critical area*. [Ord. 24-0609 § 2 (Exh. A); Ord. 23-0574 § 2 (Exh. A); Ord. 19-0488 § 5 (Exh. 3); Ord. 19-0481 § 2 (Exh. A); Ord. 17-0438 § 2 (Att. A); Ord. 16-0428 § 13 (Att. I); Ord. 16-0415 § 2 (Att. B); Ord. 14-0391 § 2 (Exh. 1); Ord. 11-0329 § 3 (Exh. 1).]

18.40.110 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 12 feet wide, and two-way aisles shall be at least 20 feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. ~~Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.~~

MINIMUM PARKING STALL AND AISLE DIMENSIONS

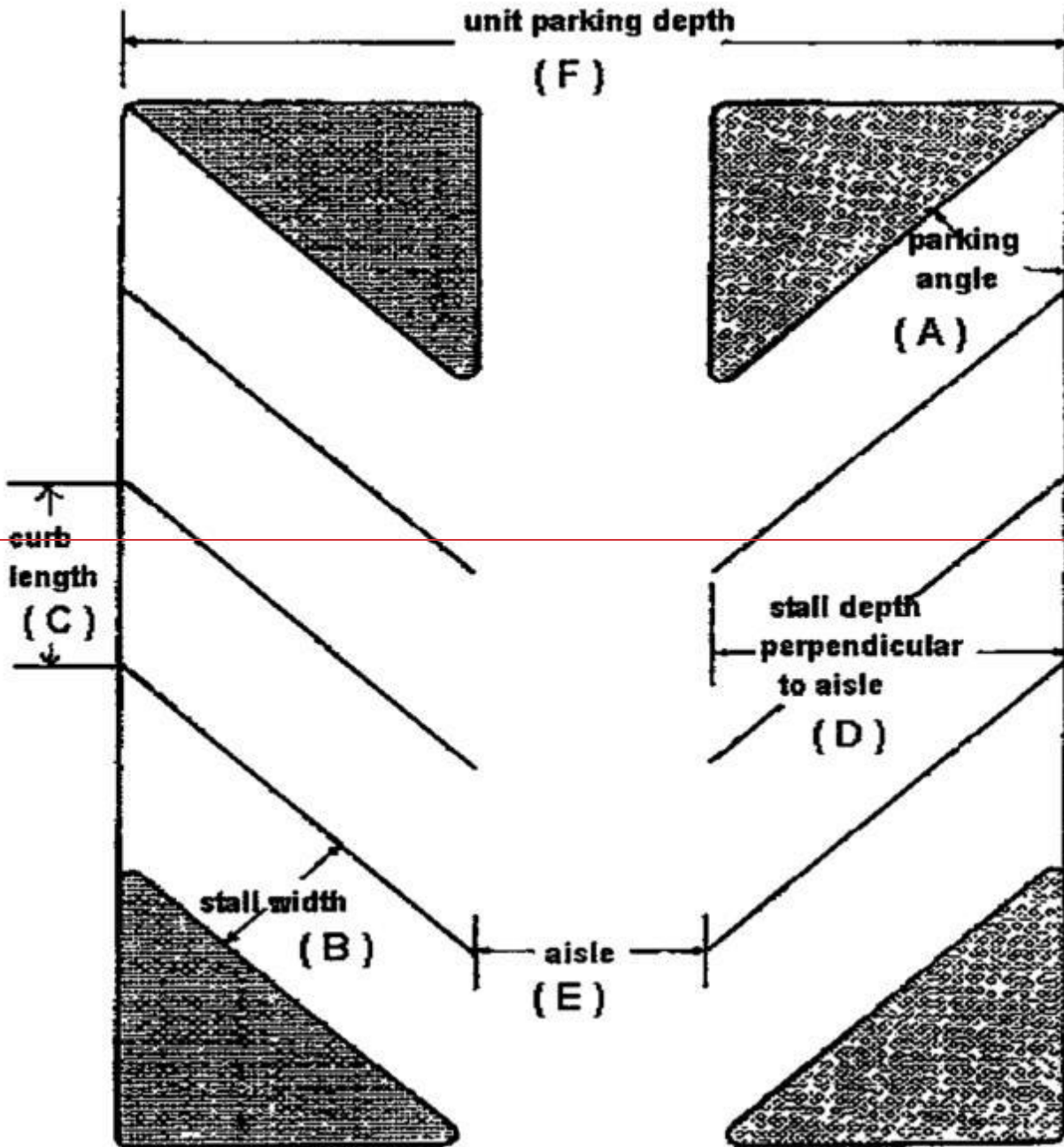
A	B	C	D	E		F	
PARKING- ANGLE	STALL- WIDTH	CURB- LENGTH	STALL- DEPTH	AISLE WIDTH		UNIT DEPTH	
				1-WAY	2-WAY	1-WAY	2-WAY
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	24.0	24.0	**	**
	Min 8.5	8.5	18.0	24.0	24.0	60.0	60.0
	Desired 9.0	9.0	18.0	23.0	24.0	60.0	60.0

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	
<u>PARKING ANGLE</u>	<u>SPACE WIDTH (feet)</u>	<u>SPACE LENGTH (feet)</u>	<u>TOTAL LENGTH (feet)</u>	<u>CURB WIDTH (feet)</u>	<u>AISLE WIDTH</u>	
					<u>(TWO-WAY TRAFFIC) (feet)</u>	<u>(ONE-WAY TRAFFIC) (feet)</u>
<u>90° (Perpendicular)</u>	<u>8</u>	<u>16*</u> <u>20</u>	<u>20</u>	<u>8</u>	<u>24</u>	<u>24</u>
<u>60°</u>	<u>8</u>	<u>16*</u> <u>20</u>	<u>24.5</u>	<u>9.25</u>	<u>20</u>	<u>16</u>
<u>45°</u>	<u>8</u>	<u>16*</u> <u>20</u>	<u>28</u>	<u>11.25</u>	<u>20</u>	<u>14</u>
<u>30°</u>	<u>8</u>	<u>16*</u> <u>20</u>	<u>34</u>	<u>16</u>	<u>20</u>	<u>12</u>
<u>0° (Parallel)</u>	<u>8</u>	<u>16*</u> <u>20</u>	<u>N/A</u>	<u>23</u>	<u>20</u>	<u>12</u>

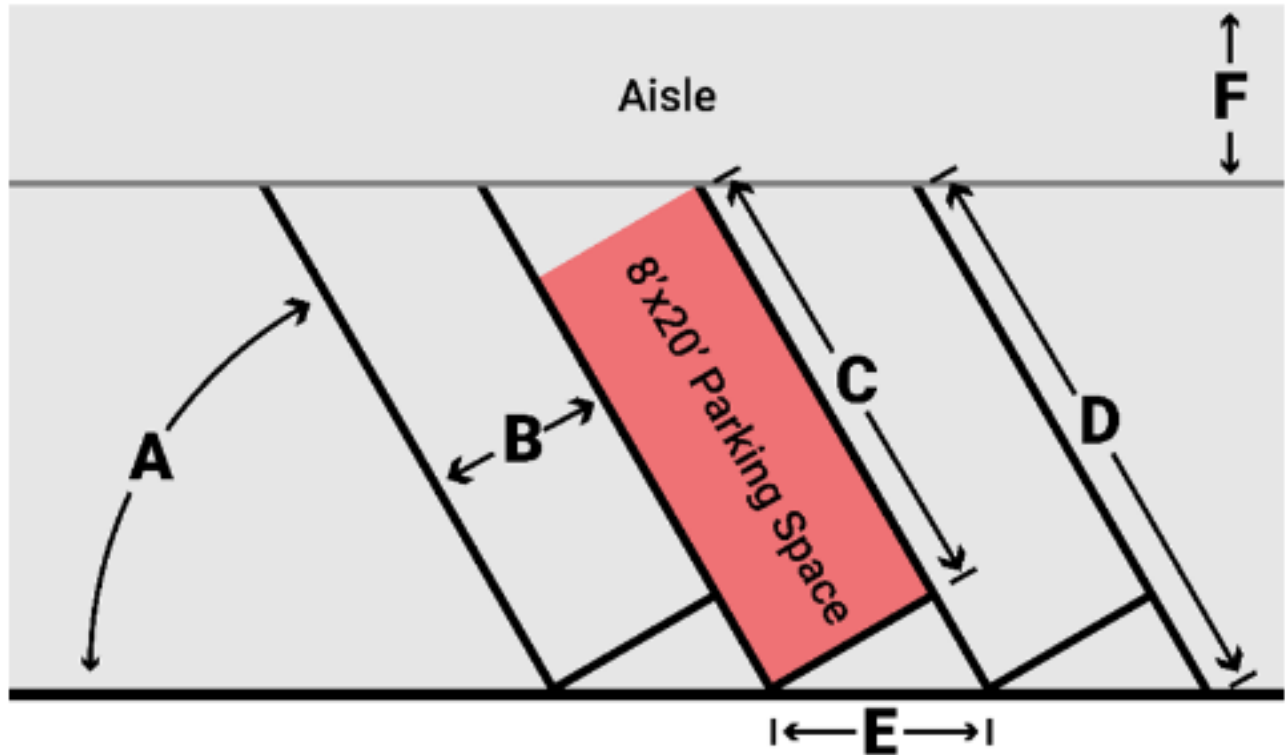
- 1
- 2 * for compact stalls only
- 3 ** variable with compact and standard combinations

1

NOMENCLATURE OF OFF-STREET PARKING AREA



2



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, Road Standards.

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be outside of any required *setbacks* or *landscaping*, but driveways crossing *setbacks* and required *landscaping* may be used for parking. However, if the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*;

2. For all other *developments*, *parking spaces* may be permitted by the *city manager* in *setback* areas in accordance with an approved landscape plan; and

3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC 18.21.060.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *city manager* shall have the authority to waive the requirement to provide lighting.

H. *Tandem* or end-to-end parking is allowed in residential *developments*. Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

I. All vehicle parking and storage must be in a garage, carport or on an approved *impervious* surface. Any *impervious* surface used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a *building* on a single-family *lot* in the R-4 through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

K. Vanpool or carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool or carpool *parking spaces* are located in a parking structure; and

2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter, curb to curb, of 52 feet, five inches shall be provided from parking aisles to adjacent carpool or vanpool *parking spaces*.

L. Direct access from the *street* right-of-way to off-street parking areas shall be subject to KMC 18.45.070.

M. No dead-end *alley* may provide access to more than eight off-street *parking spaces*.

N. Any parking stalls located in enclosed *buildings* must be totally within the enclosed *building*. [Ord. 24-0609 § 2 (Exh. A); Ord. 11-0329 § 3 (Exh. 1).]

O. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

Chapter 18.52
DESIGN STANDARDS

18.52.230 Structured parking.

~~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.~~

Chapter 18.77

AFFORDABLE HOUSING

18.77.015 General provisions.

A. Determination of Number of Affordable Housing Units Required – Rounding. See KMC 18.30.020(D) for method of rounding to determine the number of affordable housing units required.

B. Adjacent Developments. Adjacent *developments* by the same or affiliated *developer* will be considered as a single *development* for the purpose of applying the thresholds for compliance.

C. Designation of Affordable Housing Units. Prior to the issuance of any permit(s), the *City* shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:

1. Location. The location of the affordable housing units shall be approved by the *City*, with the intent that they generally be intermingled with all other *dwelling units* in the *development*.

2. Tenure. The tenure of the affordable housing units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the *development*.

3. Size (Bedroom). The affordable housing units shall consist of a range of number of bedrooms that is comparable to units in the overall *development*.

4. Size (Square Footage). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the *development*, shall be approved by the *city manager*. If there is a proposal that the affordable units be smaller than the market rate units, in no case shall the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

5. Design. The exterior design of the affordable housing units shall be compatible and comparable with the rest of the *dwelling units* in the *development* and shall comply with any applicable design standards. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the *City*.

D. Duration. Housing shall serve only income-eligible households for a minimum period of 50 years from the latter of the date when the affordability agreement between the housing owner

1 and the *City*, as described in KMC 18.77.050, is recorded, or the date when the affordable
2 housing becomes available for occupancy as determined by the *City*.

3 E. Timing/Phasing. The affordable housing units shall be available for occupancy in a time
4 frame comparable to the availability of the rest of the *dwelling units* in the *development*. [Ord.
5 23-0574 § 2 (Exh. A); Ord. 19-0481 § 2 (Exh. A).]

6 F. For Single Room Occupancy housing, sleeping units shall be calculated as ¼ of a dwelling unit
7 for the purposes of affordable housing incentives.

8
9 **Chapter 15.40**
10 **KENMORE PROPERTY MAINTENANCE CODE**

11
12 **15.40.305 Interior structure.**

13 A. General. The interior of a *structure* and equipment therein shall be maintained in good repair,
14 structurally sound, and in a sanitary condition. *Occupants* shall keep that part of the *structure*
15 that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure*
16 containing ~~a rooming house, housekeeping units,~~ a hotel, ~~a dormitory,~~ two or more *dwelling units*
17 or two or more nonresidential *occupancies* shall maintain, in a clean and sanitary condition, the
18 shared or public areas of the *structure* and *exterior property*.

19 **15.40.503 Toilet rooms.**

20 A. Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only
21 passageway to a hall or other space, or to the exterior. A door and interior locking device shall
22 be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

23 B. Location. *Toilet rooms* and *bathrooms* serving hotel units, ~~rooming units, dormitory units or~~
24 ~~housekeeping units~~ shall have access by traversing not more than one flight of stairs and shall
25 have access from a common hall or passageway.

26 C. Floor Surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a
27 smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and
28 sanitary condition. [Ord. 23-0577 § 1 (Exh. A).]

CITY OF KENMORE

City Council Meeting

Single Room Occupancy and Residential Parking Regulations *Discussion of Draft Code*

June 23, 2025



Overview

Single Room Occupancy (SRO)

- Definitions
- Housing Types
- Zoning Changes
- Unit Density Calculations
- SRO Parking



Definitions

- **Single Room Occupancy:**
 - “a residential development with **sleeping units** that are independently **rented** and lockable and provide living and sleeping space, and residents **share kitchen facilities** with other sleeping units in the building.”



Tudor Apartments in Redmond, WA

Definitions

	Minimum size under state building code	Sanitation facilities (i.e. bathroom)	Kitchen Facilities
Sleeping unit	70 square feet	In-unit bathroom optional.* Must have access to shared bathroom <u>if</u> in-unit bathroom is not provided.	In-unit kitchen optional.* Must have access to shared kitchen.
Dwelling unit	190 square feet **	In-unit bathroom required.	In-unit kitchen required.

*Sleeping unit may not have both private sanitation and kitchen facilities, however, kitchenettes may be allowed.
 **Cities and counties may adopt a larger minimum size for dwelling units.

Definitions

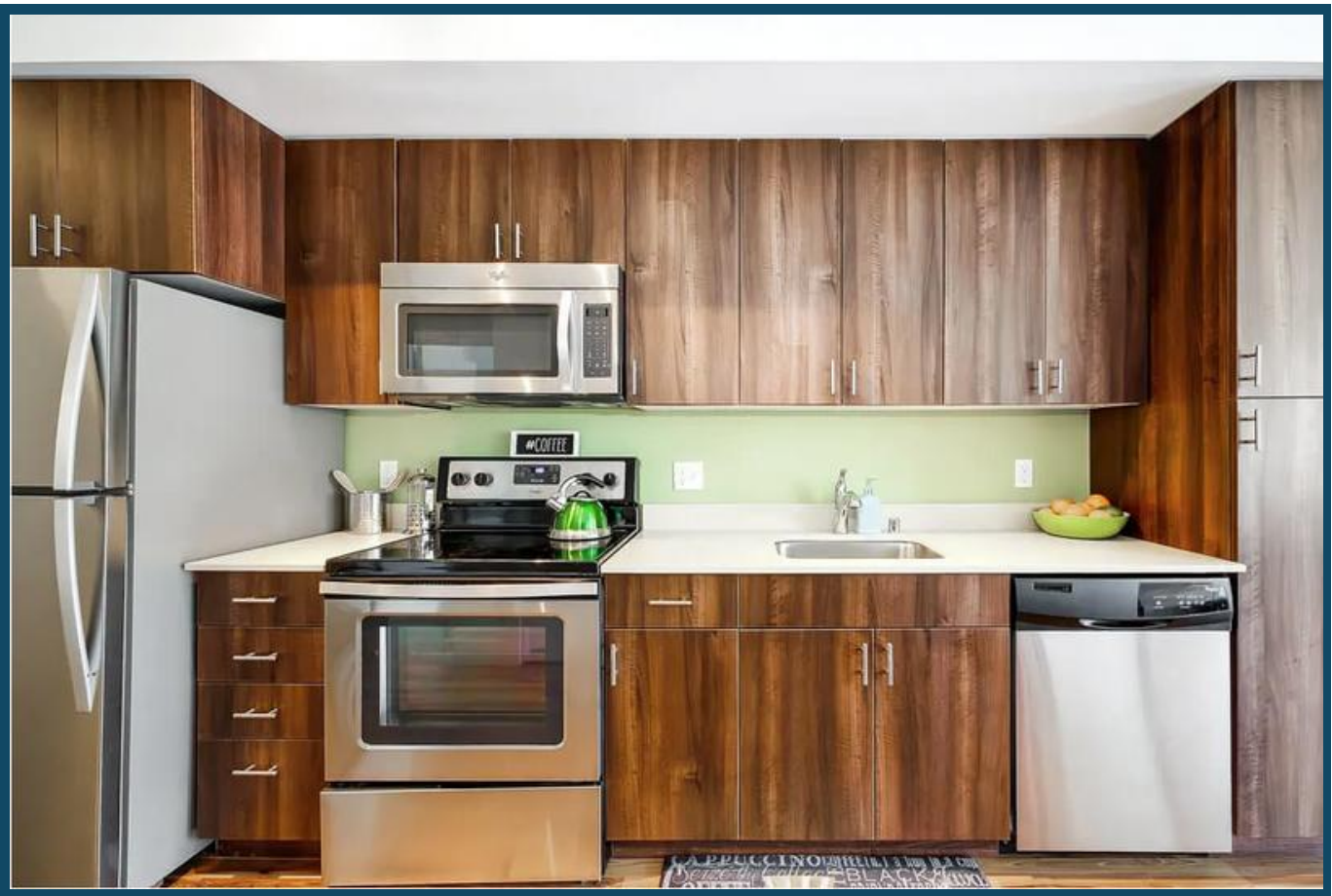
Kitchenette

Kitchen



SRO sleeping unit in Kirkland

✓	Sink	✓
✓	Fridge	✓
✓	One-burner stove	✗
✗	220-volt or natural gas stovetop with ventilation	✓
✓	Food preparation area	✓
✓	Microwave	✓



Apartment dwelling unit in Bothell

SRO Housing Types

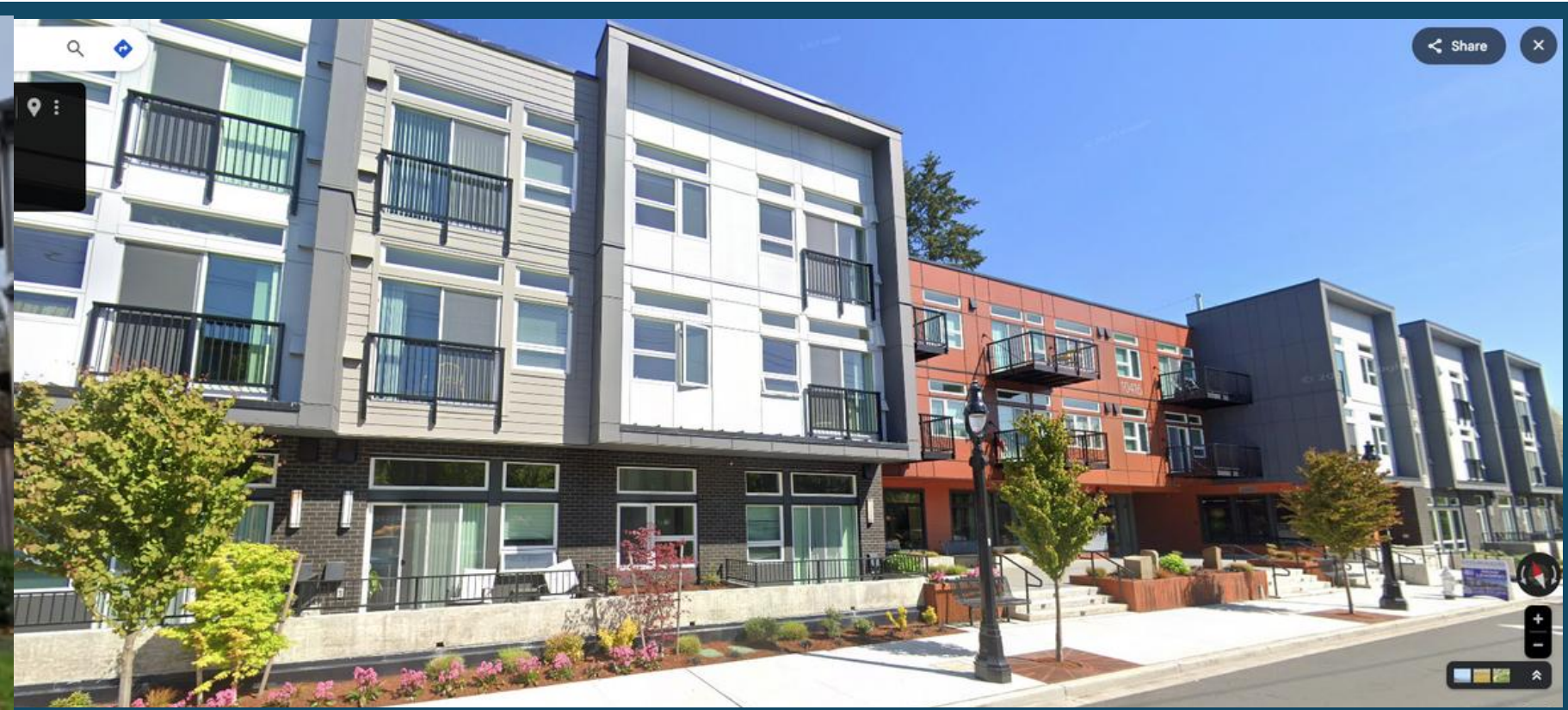
Any building type: detached dwelling unit, attached dwelling units, and apartments



Detached dwelling unit



Attached dwelling units - Fourplex



Apartments

- Boarding house
- Rooming house
- Lodging house

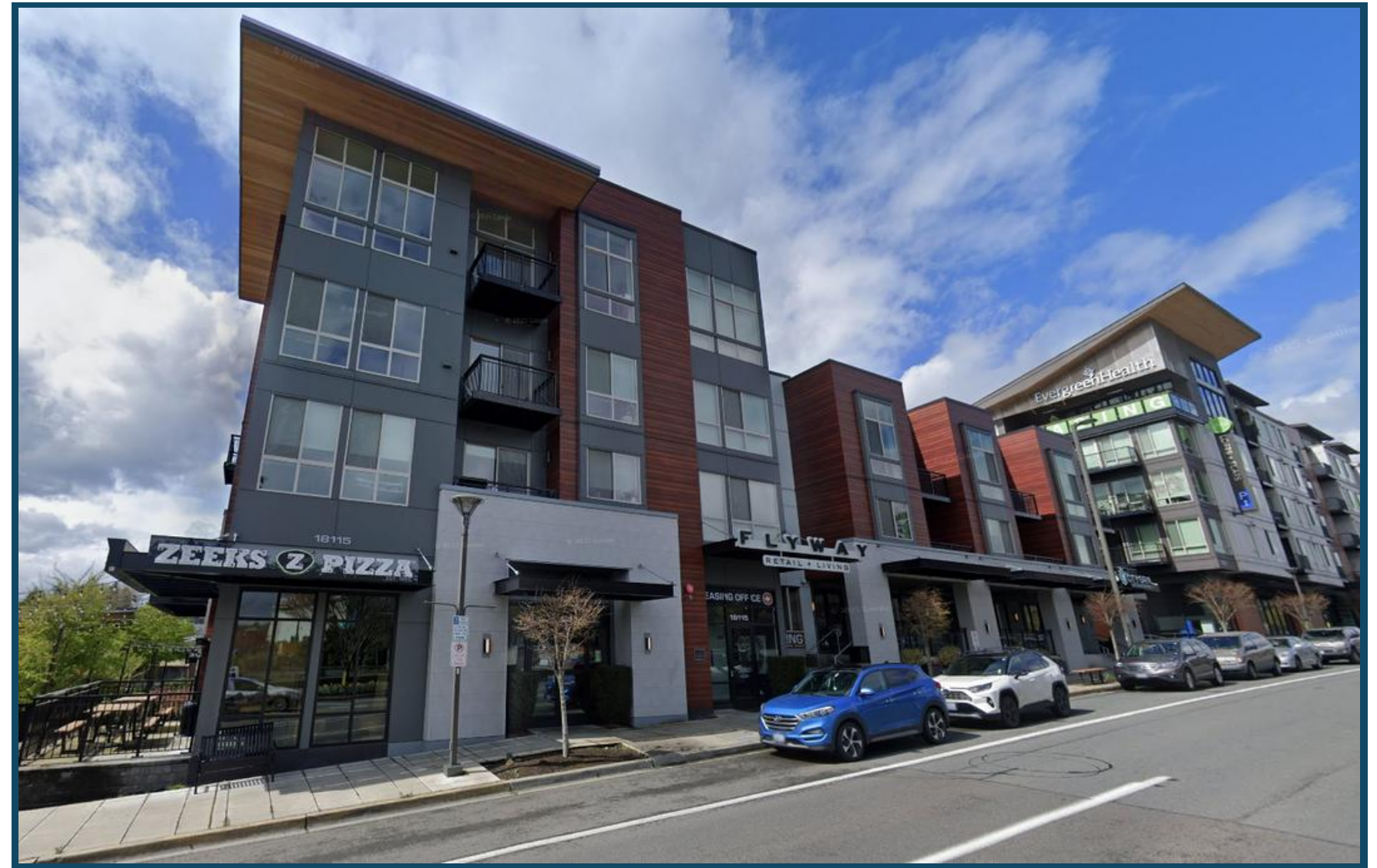
- Congregate living facilities

- Dormitories
- Residential suites

Zoning Changes

SRO is allowed in:

- Residential zones
 - R-6, R-12, R-18, R-24, and R-48
- Mixed-use zones
 - Neighborhood Business
 - Community Business
 - Downtown Residential
 - Urban Residential
 - Downtown Commercial
 - Urban Corridor
 - Waterfront Commercial
 - Regional Business
 - Transit-Oriented Development
 - Public and Semi-Public



Mixed-use in Downtown Kenmore

Unit Density Calculations

Dwelling Units and Affordable Housing:

1 sleeping unit = $\frac{1}{4}$ dwelling unit

Sewer Fees:

1 sleeping unit = $\frac{1}{2}$ dwelling unit



SRO Parking

No minimum parking spaces are required

Within ½ mile of a Major Transit Stop	More than ½ mile of a Major Transit Stop
No minimum parking required	No more than 0.25 off-street parking spaces per sleeping unit



NE Bothell Way

*Kenmore has 3 Major Transit stops along NE Bothell Way

Overview

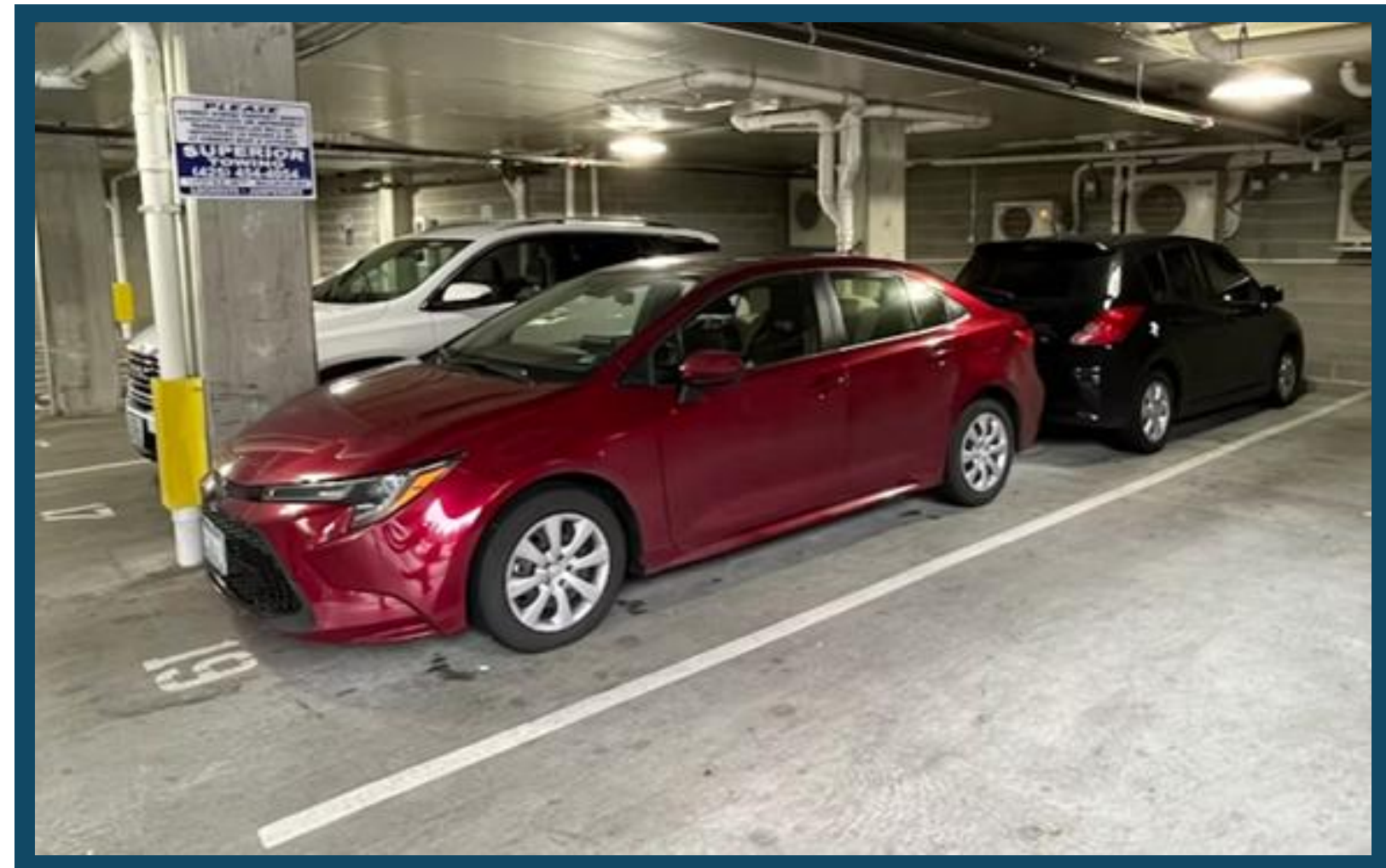
Residential Parking

- Tandem Parking
- Parking Size
- Garage Requirements
- Parking and Trees



Tandem Parking

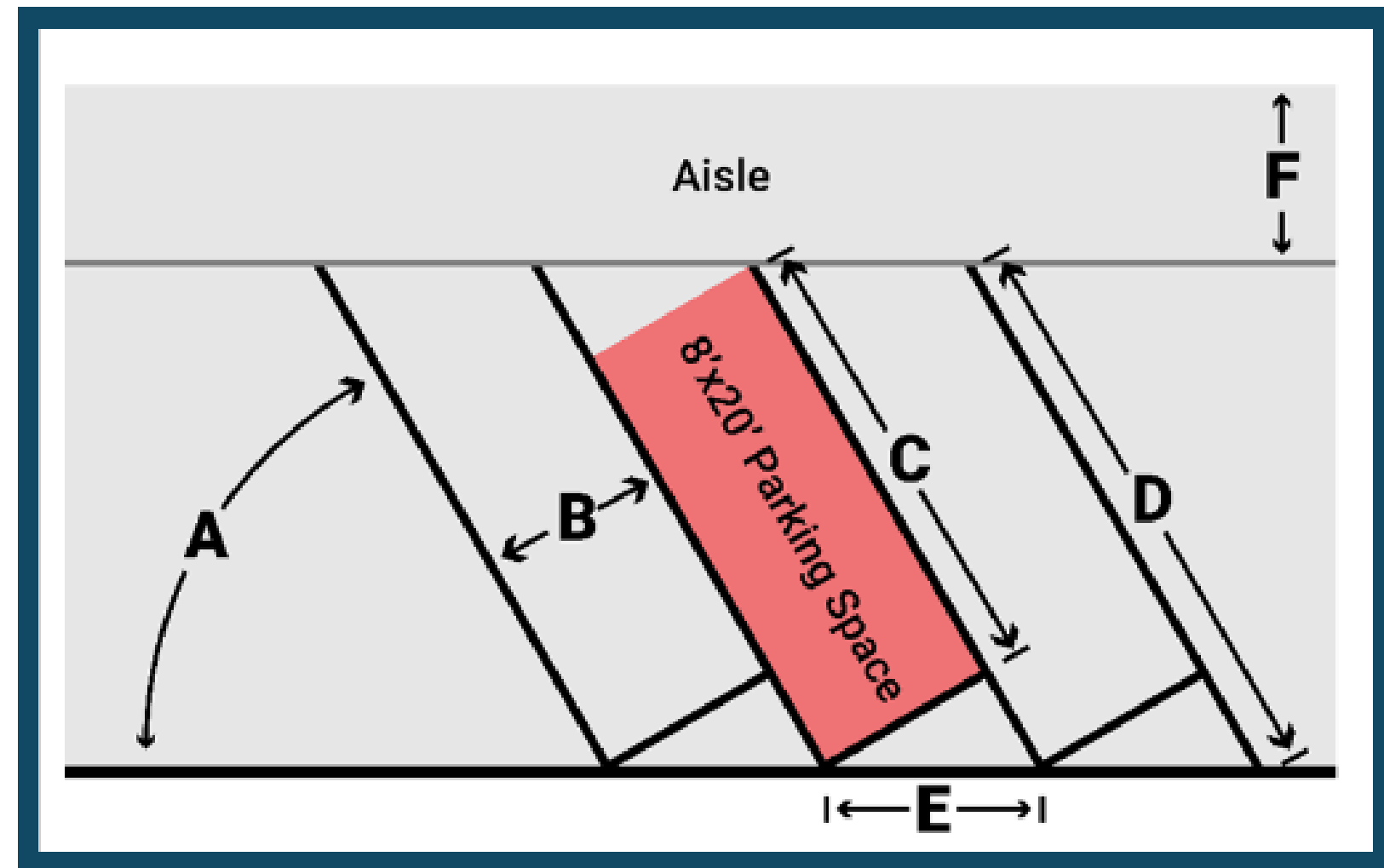
- Added **definition** for tandem parking stall
- Tandem stalls are allowed in **all residential uses**
- Parking stall length limited to **20 feet**



Tandem parking stalls shared by two residents at the Arete apartments in Kirkland. McNichols, Joshua. (2024). KUOW.

Parking Size

- Adopted new table for **Minimum Parking Stall and Aisle Dimensions**
- Parking stall width and length minimum standards cannot exceed **8 x 20 ft.**



Washington State Department of Commerce, Residential Parking Fact Sheet, 2025.

Garage Requirements

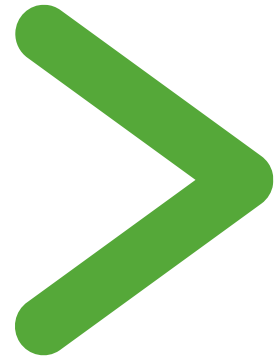


Townhouse units

- Minimum parking spaces may be **enclosed or unenclosed**
- Omitted garage requirements for **townhouse units**

Parking and Trees

Tree Retention



Parking Requirements

- No minimum parking requirement when compliance with both parking and tree requirements would make a residential development infeasible



Trees and Parking

For comments and questions:

Brittany Chue
Senior Planner, Community Development Department
bchue@kenmorewa.gov
425-984-6157



City Council Agenda Bill
City of Kenmore, WA



Meeting Date: 6/23/2025

Subject/Topic:	Proposed Council Action/Motion:
KAPE Intermittent Enforcement Site Recommendations and Dynamic Deployment Procedure Department: Engineering Prepared by: Tobin Bennett-Gold City Traffic Engineer Attachments: Attachment A – Recommended KAPE Intermittent Enforcement Sites Attachment B – Map of Recommended Intermittent Enforcement Sites Attachment C – Dynamic Intermittent Deployment Phased Implementation Attachment D – Equity Analysis of Recommended Sites Attachment E – Safety Analysis of Recommended Sites	☐ Information Only ☐ Receive and File ☐ Discuss ☐ Provide Direction ☐ Public Hearing ☒ Adopt/Approve ☐ Authorize ☐ Other: Motion to approve list of recommended expanded KAPE locations. Motion to authorize the City Manager to execute a contract amendment with Vera Mobility for an amount up to \$1.2 Million plus per-violation processing fees for expansion of the photo enforcement program.

Approvals:

Department Head JV 6/13/25 City Attorney NA Finance Director NA City Manager SLL 6/13/2025 Optional NA

Summary/Background:

Site selection for intermittent enforcement is intended to support dynamic response to present and emerging speed management needs, citywide. Sites are selected in areas where vulnerable road users share a complex traffic environment with motorized traffic, and where high travel speeds present a substantial risk of crashes and severe and fatal crash injury for all road users. Intermittent enforcement allows photo enforcement to applied as a speed management intervention when and only when it is needed, and as frequently or infrequently as is needed to support appropriate travel speeds.

The sites listed in Attachment A and presented on the map in Attachment B have been reviewed for safety improvement potential and equity impact and are recommended for the use of transportable speed safety cameras.

The recommended sites are to be initialized in two-phases of deployment. The eight highest priority sites for present safety need are to be initialized in the first phase over an eight month period. After the first phase is complete, intermittent deployment begins and all sixteen sites (the eight which were initialized in phase 1, and the 8 which have not yet received enforcement) will be prioritized for enforcement according to speed data collected bimonthly at each site. The four sites which are determined to be the highest priority based on speed data will be selected for intermittent enforcement for the next two months. If among the sites selected is a site which has not yet undergone a warning period, then deployment to that site will first have a 60 day warning period. If an approved site is never identified as a priority for speed enforcement, then cameras will not be deployed to that site.

Additional details on the phased deployment of the initial sites, dynamic deployment procedure for ongoing operations, and for initializing new sites are described in Attachment C.

The required RCW analysis of equity in the dimensions of livability, accessibility, economics, education, and environmental health is presented in Attachment D.

The safety analysis of recommended sites and prioritization based on current data is presented in Attachment E.

Previous Council Actions:

June 9, 2025 – Council approved the use of intermittent enforcement cameras and requested additional information on site scheduling and prioritization before approval of recommended enforcement sites.

September 16, 2024 – Council adoption of ordinance 24-0619 and municipal code changes allowing automated photo enforcement of speed violations (in addition to school zone speed violations) and revised fine schedule. Council approval of Inglemoor High school zone for implementation of photo enforcement. Council approval to execute revised 5-year contract with Verra Mobility.

May 23, 2022 – Council approval for the City Manager to execute a 5-year contract with Verra Mobility passed on the consent agenda. Verra Mobility was selected through open RFP process to serve as the contractor to manage the traffic safety cameras for the Kenmore Automated Photo Enforcement (KAPE) program.

February 28, 2022 – Council adoption of ordinance 22-0542 and municipal code changes allowing automated photo enforcement in Kenmore. Council approval of three initial locations: 61st Ave and Bothell Way for red-light enforcement, and the Arrowhead Elementary school zone on Juanita Drive and the Kenmore Elementary school zone on 73rd Av for school zone speeding enforcement.

Fiscal Consideration:

In April 2024 the FSP Task Force recommended the expansion of KAPE by four additional locations (eight cameras). In November 2024 City Manager's recommendations were approved by Council, which included expansion of KAPE by three additional locations (six cameras). In September 2024, Council directed staff to implement two photo enforcement cameras in the Inglemoor High school zone.

Expanding KAPE to four additional cameras would be consistent with recommendations made by the FSP Task Force and with the Council-approved City Manager's recommendations.

The cost of implementing the recommended expansion to the KAPE program fits within the existing budget for traffic safety improvements.

City Council Priorities or Budget Objective Being Addressed:

Core Mission: Safeguarding the City's finances and ensuring public safety.

Priority 1: Continue to implement the adopted Climate Action Plan and promote environmental stewardship, including water, air, forest, and habitat restoration and preservation.

Priority 5: Enhance multimodal transportation, including pedestrian and bicycle safety.

Priority 8: Continue to implement the Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, including social justice reform.



City of Kenmore, Washington

Memorandum

Date: June 23, 2025

To: City Council

From: Tobin Bennett-Gold, P.E.
City Traffic Engineer

Regarding: Recommended KAPE Intermittent Enforcement Sites

The following sites have been reviewed for safety improvement potential and equity impact and are recommended for the use of transportable speed safety cameras:

- 101. SB Juanita Dr from 170th St to 158th St
- 102. NB Juanita Dr from 170th St to 158th St
- 103. SB Juanita Dr from 149th St to South City Limits
- 104. NB Juanita Dr from 149th St to South City Limits
- 105. SB Simonds Rd from 152nd Pl to South City Limits
- 106. NB Simonds Rd from 152nd Pl to South City Limits
- 107. SB 61st Pl from North City Limits to 60th Av
- 108. NB 61st Pl from North City Limits to 60th Av
- 109. SB 80th Av from North City Limits to 193rd Pl
- 110. NB 80th Av from North City Limits to 193rd Pl
- 111. SB 80th Av from 190th St to 177th Ct
- 112. NB 80th Av from 190th St to 177th Ct
- 201. WB 170th St from Juanita Dr to 75th Av
- 202. EB 170th St from Juanita Dr to 75th Av
- 203. SB 61st Av from 193rd St to 181st St
- 204. NB 61st Av from 193rd St to 181st St

Specific placement location of transportable speed safety cameras in the listed roadway segments is subject to site feasibility, placement of supporting devices, and consistency with the KAPE program's commitment to transparent, fair, equitable, and safe enforcement practices. Supporting devices (e.g. speed feedback signs, advanced warning signs) are not limited to placement within listed roadway segments.

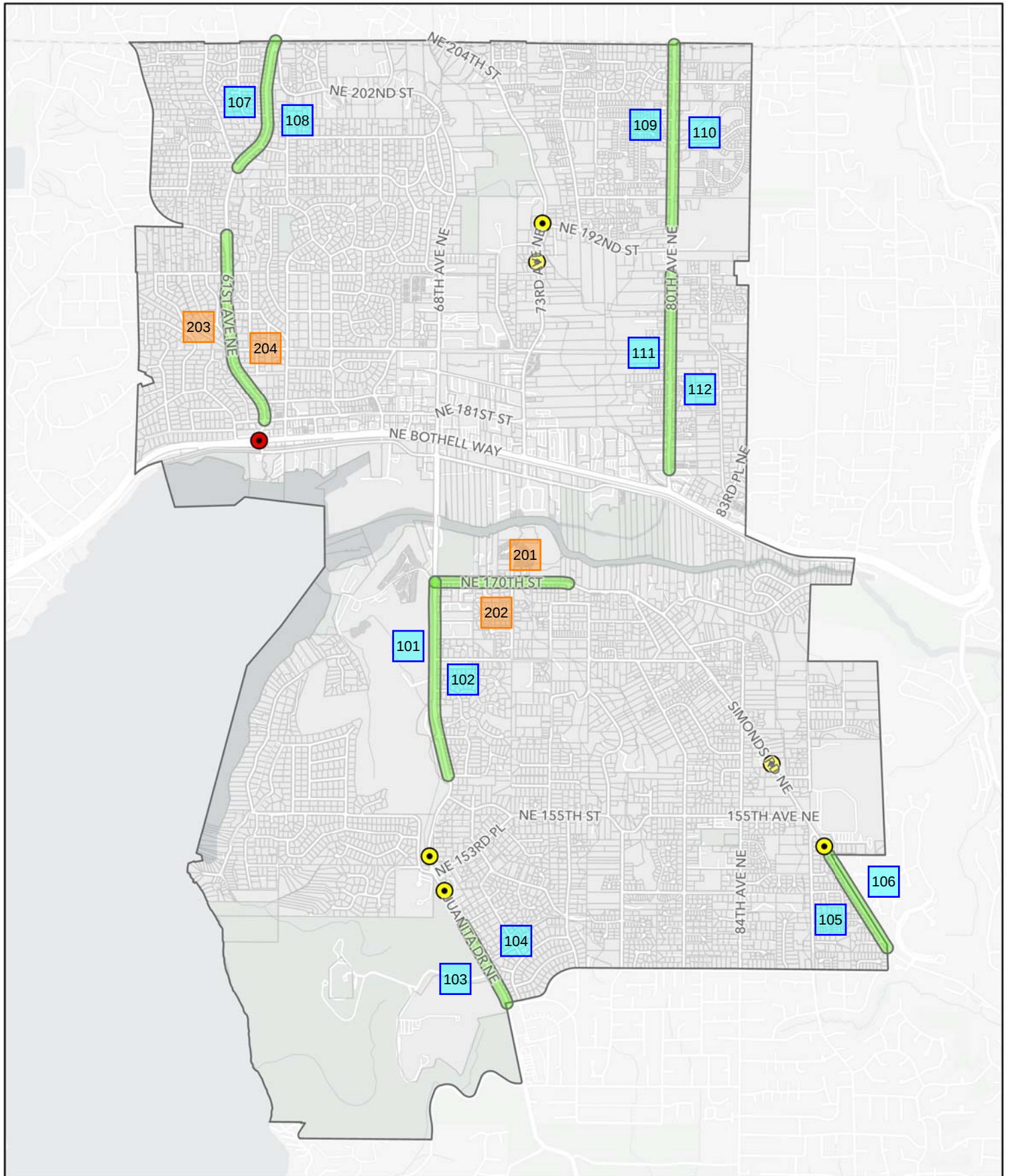
RCW 46.63.250(3) permits Kenmore City Council to authorize the use of no more than two¹ traffic safety cameras in sites 201 through 204. The number of cameras which may be authorized for use in all other listed sites is not limited.

¹ One traffic safety camera per 10,000 population

It is recommended that Council approve the use of four transportable speed safety cameras for use as follows:

- Camera 1 in sites 101 through 112 and sites 201 through 204
- Camera 2 in sites 101 through 112 and sites 201 through 204
- Camera 3 in sites 101 through 112
- Camera 4 in sites 101 through 112

CC: Stephanie Lucash, Interim City Manager
John Vicente, City Engineer
Brandon Moen, Chief of Police



Intermittent Camera Location Boundary



Existing and Pending Cameras



Red Light



Speed

Site Restrictions



Unrestricted



Restricted

Max 2 Cameras Authorized
for Restricted Sites

Proposed KAPE Expansion



0 1,000 2,000 4,000

Feet

This map is intended for planning purposes only and is not guaranteed to show accurate measurements.



Map Date: Jun 2025



City of Kenmore, Washington

Memorandum

Date: June 23, 2025

To: City Council

From: Tobin Bennett-Gold, P.E.
City Traffic Engineer

Regarding: Procedure for Phased Implementation of Dynamic Intermittent
Deployment of Transportable Speed Safety Cameras

Deployment of intermittent enforcement cameras will be in two phases. Phase 1 is the initialization phase which includes deployment of transportable speed safety cameras to 8 initial locations over a period of 8 months. Phase 2 is the standard operating procedure for the dynamic deployment of transportable speed safety cameras across all approved sites, including initializing sites as warranted by travel speed data.

Phase 1 – Initialization

The initialization phase will include deployment of transportable speed safety cameras to eight locations which meet the following criteria:

- Travel speeds under existing conditions warrant speed management intervention
- The current regulatory speed limit has been in place for 6 months or longer
- Travel speed is not anticipated to improve substantially without intervention and substantial non-enforcement interventions are infeasible on a 1 year horizon

Phase 1 will consist of four transportable speed safety cameras deployed to sites 101, 102, 201, and 202 for a period of four months, beginning with a 60 day warning period. After the initial four-month deployment the transportable speed safety cameras will be relocated to sites 103, 104, 203, and 204 for a period of four months, beginning with a 60 day warning period.

Phase 2 – Dynamic Intermittent Deployment

The dynamic intermittent deployment phase will relocate cameras according to travel speed data collected on a bi-monthly basis. Sites 101 through 104 and 201 through 204 will be considered initialized sites, and all other sites will be considered non-initialized sites until they have completed a 60-day warning period. Transportable speed safety cameras will be relocated on a two-month schedule to the four locations with the highest travel speeds which meet the following criteria:

Initialized Sites

- Current site conditions are consistent with the KAPE program's commitment to transparent, fair, equitable, and safe enforcement practices
- Travel speeds under existing conditions warrant speed management intervention
- Travel speed is not anticipated to improve substantially without intervention

Non-initialized Sites

- Current site conditions are consistent with the KAPE program's commitment to transparent, fair, equitable, and safe enforcement practices
- Travel speeds under existing conditions warrant speed management intervention
- Travel speed is not anticipated to improve substantially without intervention and substantial non-enforcement interventions are infeasible on a 1 year horizon
- The current regulatory speed limit has been in place for 6 months or longer

Any initialized site where the regulatory speed limit is changed will be considered to be non-initialized until an additional 60 day warning period is completed.

When a transportable speed safety camera is relocated to a non-initialized site the camera will be deployed for a four-month period and begin its deployment with a 60 day warning period.

CC: Stephanie Lucash, Interim City Manager
John Vicente, City Engineer
Brandon Moen, Chief of Police

Site No.	Direction	Site Name	Overall Equity Impact				
			Livability	Accessability	Economics	Education	Environmental Health
		Program Baseline	Positive	Neutral	Neutral	Positive	Positive
101	SB	Juanita Dr from 170th St to 158th St	Positive	Neutral	Neutral	Positive	Positive
102	NB	Juanita Dr from 170th St to 158th St	Positive	Neutral	Neutral	Positive	Mixed
103	SB	Juanita Dr from 149th St to South City Limits	Positive	Positive	Neutral	Positive	Positive
104	NB	Juanita Dr from 149th St to South City Limits	Positive	Positive	Neutral	Positive	Mixed
105	SB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral	Neutral	Positive	Mixed
106	NB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral	Neutral	Positive	Positive
107	SB	61st Pl from North City Limits to 60th Av	Positive	Positive	Neutral	Positive	Positive
108	NB	61st Pl from North City Limits to 60th Av	Positive	Positive	Neutral	Positive	Positive
109	SB	80th Av from North City Limits 193rd Pl	Positive	Positive	Neutral	Positive	Mixed
110	NB	80th Av from North City Limits 193rd Pl	Positive	Positive	Neutral	Positive	Positive
111	NB	80th Av from 190th St to 177th Ct	Positive	Positive	Neutral	Positive	Positive
112	SB	80th Av from 190th St to 177th Ct	Positive	Positive	Neutral	Positive	Positive
201	WB	170th St from Juanita Dr to 75th Av	Positive	Positive	Neutral	Positive	Positive
202	EB	170th St from Juanita Dr to 75th Av	Positive	Positive	Neutral	Positive	Positive
203	SB	61st Av from 193rd St to 181st St	Positive	Positive	Neutral	Positive	Positive
204	NB	61st Av from 193rd St to 181st St	Positive	Positive	Neutral	Positive	Positive

		Category	Livability			
		Criteria	Road Noise	Local Impact	Pedestrian Traffic Stress	Cyclist Traffic Stress
		Description	The effect of the KAPE program on road noise for residential and commercial land use adjacent to enforcement area.	The proportional impact of the KAPE program on residents and businesses in or near the enforcement area.	The effect of the KAPE program on the level of traffic stress for pedestrians traveling in the enforcement area.	The effect of the KAPE program on the level of traffic stress for pedestrians traveling in the enforcement area.
		Positive	Reduced road noise	The majority of travel in the enforcement area is pass-through traffic	Traffic stress is reduced	Traffic stress is reduced
		Neutral	No effect on road noise	Roughly half the traffic is pass-through traffic	No change in traffic stress	No change in traffic stress
		Negative	Increased road noise	The clear majority of traffic in the enforcement area is not pass-through traffic	Traffic stress is increased	Traffic stress is increased
		N/A	Adjacent land use is not residential or commercial	Enforcement area is on a full access control facility	The enforcement area is access-restricted for pedestrians	The enforcement area is access-restricted for cyclists
Site No.	Direction	Program Baseline	Positive Reduced travel speeds and improved speed consistency results in reduced road noise.	Positive KAPE locations on arterial and collector streets carry predominately pass-through traffic. Some collector streets may have exceptions based on adjacent land use, and local roads are the most likely to carry high volumes of non- pass-through traffic.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on pedestrian traffic stress unless initial mean travel speeds exceed 40 MPH.	Positive On arterial and collector streets it is likely that cyclist traffic stress will be reduced if the mean speed of travel exceeds 35 MPH at any time.
101	SB	Juanita Dr from 170th St to 158th St	Positive	Positive	Neutral	Positive
102	NB	Juanita Dr from 170th St to 158th St	Positive	Positive	Neutral	Positive
103	SB	Juanita Dr from 149th St to South City Limits	Positive	Positive	Neutral	Neutral
104	NB	Juanita Dr from 149th St to South City Limits	Positive	Positive	Neutral	Neutral
105	SB	Simonds Rd from 152nd Pl to South City Limits	Positive	Positive	Neutral	Positive
106	NB	Simonds Rd from 152nd Pl to South City Limits	Positive	Positive	Neutral	Positive
107	SB	61st Pl from North City Limits to 60th Av	Positive	Positive	Neutral	Positive
108	NB	61st Pl from North City Limits to 60th Av	Positive	Positive	Neutral	Positive
109	SB	80th Av from North City Limits 193rd Pl	Positive	Positive	Positive	Neutral
110	NB	80th Av from North City Limits 193rd Pl	Positive	Positive	Positive	Neutral
111	NB	80th Av from 190th St to 177th Ct	Positive	Positive	Positive	Neutral
112	SB	80th Av from 190th St to 177th Ct	Positive	Positive	Positive	Neutral
201	WB	170th St from Juanita Dr to 75th Av	Positive	Positive	Neutral	Positive
202	EB	170th St from Juanita Dr to 75th Av	Positive	Positive	Neutral	Positive
203	SB	61st Av from 193rd St to 181st St	Positive	Positive	Positive	Neutral
204	NB	61st Av from 193rd St to 181st St	Positive	Positive	Positive	Neutral

		Category	Accessibility		
		Criteria	Travel Speed	Pedestrian Traffic Stress	Transit Traffic Stress
		Description	The effect of the KAPE program on operating speed.	The effect of the KAPE program on the level of traffic stress for pedestrians traveling in the enforcement area.	The effect of the KAPE program on pedestrian traffic stress in areas with transit services.
		Positive	Travel speeds are decreased	Traffic stress is reduced	Traffic stress is reduced
		Neutral	No change in travel speeds	No change in traffic stress	No change in traffic stress
		Negative	Travel speeds are increased	Traffic stress is increased	Traffic stress is increased
		N/A		The enforcement area is access-restricted for pedestrians	The enforcement area does not include access to transit services
Site No.	Direction	Program Baseline	Positive All KAPE locations are expected to reduce travel speeds, otherwise enforcement would not be warranted.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on pedestrian traffic stress unless initial mean travel speeds exceed 40 MPH.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on traffic for pedestrian access to transit stops unless initial mean travel speeds exceed 40 MPH.
101	SB	Juanita Dr from 170th St to 158th St	Positive	Neutral	Neutral
102	NB	Juanita Dr from 170th St to 158th St	Positive	Neutral	Neutral
103	SB	Juanita Dr from 149th St to South City Limits	Positive	Neutral	N/A
104	NB	Juanita Dr from 149th St to South City Limits	Positive	Neutral	N/A
105	SB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral	Neutral
106	NB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral	Neutral
107	SB	61st Pl from North City Limits to 60th Av	Positive	Neutral	N/A
108	NB	61st Pl from North City Limits to 60th Av	Positive	Neutral	N/A
109	SB	80th Av from North City Limits 193rd Pl	Positive	Positive	N/A
110	NB	80th Av from North City Limits 193rd Pl	Positive	Positive	N/A
111	NB	80th Av from 190th St to 177th Ct	Positive	Positive	N/A
112	SB	80th Av from 190th St to 177th Ct	Positive	Positive	N/A
201	WB	170th St from Juanita Dr to 75th Av	Positive	Neutral	N/A
202	EB	170th St from Juanita Dr to 75th Av	Positive	Neutral	N/A
203	SB	61st Av from 193rd St to 181st St	Positive	Positive	N/A
204	NB	61st Av from 193rd St to 181st St	Positive	Positive	N/A

Site No. Direction		Category	Economics			
		Criteria	Fine Affordability	System Affordability	Low-Income Community	Active Mode Crash Risk
		Description	The value of the baseline fine relative to the value of the minimum wage for 1 day (8 hours).	Annual recidivism rate of the existing system.	The enforcement area is located in a census tract that meets the definition of “low-income community” in Internal Revenue Code section 45D(e).	The effect of the KAPE program on crash risk for active-mode travelers.
		Positive				Reduced crash risk
		Neutral	Fine is less than 110% of 1 day of minimum wage pay	Less than 50% recidivism	Tract is not designated “low-income community”	Crash risk unchanged
		Negative	Fine is 110% of 1 day of minimum wage pay or more	Greater than 50% recidivism	Tract is designated “low-income community”	Increased crash risk
		N/A				The enforcement area is access-restricted for active modes
		Program Baseline	Neutral Baseline fine for violations of the regulatory speed limit is \$110, roughly 83% of the minimum wage for 1 day (\$16.66/hr x 8 hr = \$133.28).	Neutral System-wide recidivism is 10% for the previous 12 months.	Neutral No census tracts in Kenmore meet the criteria to be considered low-income communities.	Positive Reduced travel speed reduces crash risk for all types of crashes.
101	SB	Juanita Dr from 170th St to 158th St	Neutral	Neutral	Neutral	Positive
102	NB	Juanita Dr from 170th St to 158th St	Neutral	Neutral	Neutral	Positive
103	SB	Juanita Dr from 149th St to South City Limits	Neutral	Neutral	Neutral	Positive
104	NB	Juanita Dr from 149th St to South City Limits	Neutral	Neutral	Neutral	Positive
105	SB	Simonds Rd from 152nd Pl to South City Limits	Neutral	Neutral	Neutral	Positive
106	NB	Simonds Rd from 152nd Pl to South City Limits	Neutral	Neutral	Neutral	Positive
107	SB	61st Pl from North City Limits to 60th Av	Neutral	Neutral	Neutral	Positive
108	NB	61st Pl from North City Limits to 60th Av	Neutral	Neutral	Neutral	Positive
109	SB	80th Av from North City Limits 193rd Pl	Neutral	Neutral	Neutral	Positive
110	NB	80th Av from North City Limits 193rd Pl	Neutral	Neutral	Neutral	Positive
111	NB	80th Av from 190th St to 177th Ct	Neutral	Neutral	Neutral	Positive
112	SB	80th Av from 190th St to 177th Ct	Neutral	Neutral	Neutral	Positive
201	WB	170th St from Juanita Dr to 75th Av	Neutral	Neutral	Neutral	Positive
202	EB	170th St from Juanita Dr to 75th Av	Neutral	Neutral	Neutral	Positive
203	SB	61st Av from 193rd St to 181st St	Neutral	Neutral	Neutral	Positive
204	NB	61st Av from 193rd St to 181st St	Neutral	Neutral	Neutral	Positive

		Category	Education			
		Criteria	School Zone Crash Risk	School Zone Traffic Stress	School Bus Stop Crash Risk	School Bus Stop Traffic Stress
		Description	The effect of the KAPE program on crash risk within a school zone.	The effect of the KAPE program on the level of traffic stress for active modes traveling through a school zone in the enforcement area.	The effect of the KAPE program on crash risk at school bus stops.	The effect of the KAPE program on pedestrian traffic stress near school bus stops.
		Positive	Reduced crash risk	Traffic stress is reduced	Reduced crash risk	Traffic stress is reduced
		Neutral	Crash risk unchanged	No change in traffic stress	Crash risk unchanged	No change in traffic stress
		Negative	Increased crash risk	Traffic stress is increased	Increased crash risk	Traffic stress is increased
		N/A	The enforcement area does not include a school zone	The enforcement area does not include a school zone	The enforcement area does not include a school bus stop	The enforcement area does not include a school bus stop
Site No.	Direction	Program Baseline	N/A Enforcement area does not include a school zone.	N/A Enforcement area does not include a school zone.	Positive Reduced travel speed reduces crash risk for all types of crashes - this reduces the crash risk at school bus stops if the enforcement area includes a school bus stop.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on traffic for pedestrian access to school bus stops unless initial mean travel speeds exceed 40 MPH.
101	SB	Juanita Dr from 170th St to 158th St	N/A	N/A	Positive	Neutral
102	NB	Juanita Dr from 170th St to 158th St	N/A	N/A	Positive	Neutral
103	SB	Juanita Dr from 149th St to South City Limits	N/A	N/A	N/A	N/A
104	NB	Juanita Dr from 149th St to South City Limits	N/A	N/A	N/A	N/A
105	SB	Simonds Rd from 152nd Pl to South City Limits	N/A	N/A	Positive	Neutral
106	NB	Simonds Rd from 152nd Pl to South City Limits	N/A	N/A	Positive	Neutral
107	SB	61st Pl from North City Limits to 60th Av	N/A	N/A	Positive	Neutral
108	NB	61st Pl from North City Limits to 60th Av	N/A	N/A	Positive	Neutral
109	SB	80th Av from North City Limits 193rd Pl	N/A	N/A	Positive	Positive
110	NB	80th Av from North City Limits 193rd Pl	N/A	N/A	Positive	Positive
111	NB	80th Av from 190th St to 177th Ct	N/A	N/A	Positive	Positive
112	SB	80th Av from 190th St to 177th Ct	N/A	N/A	Positive	Positive
201	WB	170th St from Juanita Dr to 75th Av	N/A	N/A	Positive	Neutral
202	EB	170th St from Juanita Dr to 75th Av	N/A	N/A	Positive	Neutral
203	SB	61st Av from 193rd St to 181st St	N/A	N/A	N/A	N/A
204	NB	61st Av from 193rd St to 181st St	N/A	N/A	N/A	N/A

		Category	Environmental			
		Criteria	Braking	Accelerating	Travel Speed	Pedestrian Traffic Stress
		Description	The effect of the KAPE program on causing additional braking activity because of enforcement in the area.	The effect of the KAPE program on causing additional acceleration activity because of enforcement in the area.	The effect of the KAPE program on operating speed because of the enforcement area.	The effect of the KAPE program on the level of traffic stress for pedestrians traveling in the enforcement area.
		Positive	Braking activity is reduced	Acceleration activity is reduced	Travel speeds are reduced	Traffic stress is reduced
		Neutral	No change in braking activity	No change in acceleration activity	No change in travel speeds	No change in traffic stress
		Negative	Braking activity is increased	Acceleration activity is increased	Travel speeds are increased	Traffic stress is increased
		N/A				The enforcement area is access-restricted for pedestrians
Site No.	Direction					
		Program Baseline	Positive Improved speed consistency and lower travel speeds result in reduced braking activity. Moderately steep downhill travel lanes, however, may see increased braking which is required to control speed (compared to typical braking when drivers do not comply with the speed limit).	Positive Improved speed consistency and lower travel speeds result in reduced acceleration activity.	Positive All KAPE locations are expected to reduce travel speeds, otherwise enforcement would not be warranted.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on pedestrian traffic stress unless initial mean travel speeds exceed 40 MPH.
101	SB	Juanita Dr from 170th St to 158th St	Positive	Positive	Positive	Neutral
102	NB	Juanita Dr from 170th St to 158th St	Negative	Positive	Positive	Neutral
103	SB	Juanita Dr from 149th St to South City Limits	Positive	Positive	Positive	Neutral
104	NB	Juanita Dr from 149th St to South City Limits	Negative	Positive	Positive	Neutral
105	SB	Simonds Rd from 152nd Pl to South City Limits	Negative	Positive	Positive	Neutral
106	NB	Simonds Rd from 152nd Pl to South City Limits	Positive	Positive	Positive	Neutral
107	SB	61st Pl from North City Limits to 60th Av	Positive	Positive	Positive	Neutral
108	NB	61st Pl from North City Limits to 60th Av	Positive	Positive	Positive	Neutral
109	SB	80th Av from North City Limits 193rd Pl	Negative	Positive	Positive	Positive
110	NB	80th Av from North City Limits 193rd Pl	Positive	Positive	Positive	Positive
111	NB	80th Av from 190th St to 177th Ct	Positive	Positive	Positive	Positive
112	SB	80th Av from 190th St to 177th Ct	Positive	Positive	Positive	Positive
201	WB	170th St from Juanita Dr to 75th Av	Positive	Positive	Positive	Neutral
202	EB	170th St from Juanita Dr to 75th Av	Positive	Positive	Positive	Neutral
203	SB	61st Av from 193rd St to 181st St	Positive	Positive	Positive	Positive
204	NB	61st Av from 193rd St to 181st St	Positive	Positive	Positive	Positive

		Category	Environmental (Cont.)	
		Criteria	Cyclist Traffic Stress	Transit Traffic Stress
		Description	The effect of the KAPE program on the level of traffic stress for pedestrians traveling in the enforcement area.	The effect of the KAPE program on pedestrian traffic stress in areas with transit services.
		Positive	Traffic stress is reduced	Traffic stress is reduced
		Neutral	No change in traffic stress	No change in traffic stress
		Negative	Traffic stress is increased	Traffic stress is increased
		N/A	The enforcement area is access-restricted for cyclists	The enforcement area does not include access to transit services
Site No.	Direction	Program Baseline	Positive On arterial and collector streets it is likely that cyclist traffic stress will be reduced if the mean speed of travel exceeds 35 MPH at any time.	Neutral On arterial and collector streets with sidewalk facilities, it is likely that reduced travel speeds will have no effect on traffic for pedestrian access to transit stops unless initial mean travel speeds exceed 40 MPH.
101	SB	Juanita Dr from 170th St to 158th St	Positive	Neutral
102	NB	Juanita Dr from 170th St to 158th St	Positive	Neutral
103	SB	Juanita Dr from 149th St to South City Limits	Neutral	N/A
104	NB	Juanita Dr from 149th St to South City Limits	Neutral	N/A
105	SB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral
106	NB	Simonds Rd from 152nd Pl to South City Limits	Positive	Neutral
107	SB	61st Pl from North City Limits to 60th Av	Positive	N/A
108	NB	61st Pl from North City Limits to 60th Av	Positive	N/A
109	SB	80th Av from North City Limits 193rd Pl	Neutral	N/A
110	NB	80th Av from North City Limits 193rd Pl	Neutral	N/A
111	NB	80th Av from 190th St to 177th Ct	Neutral	N/A
112	SB	80th Av from 190th St to 177th Ct	Neutral	N/A
201	WB	170th St from Juanita Dr to 75th Av	Positive	N/A
202	EB	170th St from Juanita Dr to 75th Av	Positive	N/A
203	SB	61st Av from 193rd St to 181st St	Neutral	N/A
204	NB	61st Av from 193rd St to 181st St	Neutral	N/A

Attachment E – Safety Analysis

				Priority		
				Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
Site No.	Site Name					
101	SB	Juanita Dr from 170th St to 158th St		4	1	6
102	NB	Juanita Dr from 170th St to 158th St		1	1	1
103	SB	Juanita Dr from 149th St to South City Limits		7	11	7
104	NB	Juanita Dr from 149th St to South City Limits		8	11	8
105	SB	Simonds Rd from 152nd Pl to South City Limits		2	11	3
106	NB	Simonds Rd from 152nd Pl to South City Limits		3	11	3
107	SB	61st Pl from North City Limits to 60th Av		11	7	10
108	NB	61st Pl from North City Limits to 60th Av		10	7	11
109	SB	80th Av from North City Limits 193rd Pl		13	3	15
110	NB	80th Av from North City Limits 193rd Pl		16	3	16
111	SB	80th Av from 190th St to 177th Ct		14	9	14
112	NB	80th Av from 190th St to 177th Ct		15	9	12
201	WB	170th St from Juanita Dr to 75th Av		5	15	1
202	EB	170th St from Juanita Dr to 75th Av		6	15	5
203	SB	61st Av from 193rd St to 181st St		9	5	9
204	NB	61st Av from 193rd St to 181st St		12	5	13

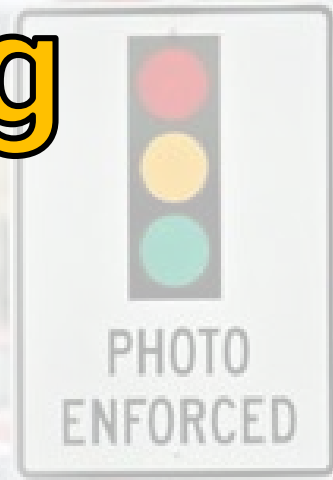
Attachment E – Safety Analysis

Regulatory Speed Limit Violation Enforcement Assessment										5 Year Crash History (2019-2023)		
Daily Volume	Speed Limit	Red. SL	Post-Enf.	Mean Speed	Current % 6+ MPH	Est % 6+ MPH Red. SL	Est. Viol/Yr	Est. Speed Reduction (MPH)	Est. Speed Reduction (%)	All	Injury	Fatal
6,277	30	30	25.5	35	54.10%	54.10%	12,395	9.5	27%	12.5	5.5	0
6,380	30	30	25.5	36.3	70.30%	70.30%	16,371	10.8	30%	12.5	5.5	0
4,937	30	30	25.5	34.6	50.30%	50.30%	9,064	9.1	26%	3.5	1	0
4,635	30	30	25.5	34.4	48.40%	48.40%	8,188	8.9	26%	3.5	1	0
6,135	30	30	25.5	35.9	65.70%	65.70%	14,712	10.4	29%	3.5	1	0
6,140	30	30	25.5	35.9	65.50%	65.50%	14,679	10.4	29%	3.5	1	0
2,987	35	30	29.75	36.2	17.80%	60.55%	1,941	6.5	18%	7	2	0
2,949	35	30	29.75	35.7	19.60%	59.72%	2,110	6.0	17%	7	2	0
4,038	35	30	29.75	34.5	9.90%	57.71%	1,459	4.8	14%	9	3	0
3,624	35	30	29.75	32.8	5.20%	54.87%	688	3.1	9%	9	3	0
3,262	35	30	29.75	34.6	10.50%	57.88%	1,250	4.9	14%	6.5	2	0
2,942	35	30	29.75	34.8	11.30%	58.21%	1,213	5.1	15%	6.5	2	0
4,301	30	30	25.5	36.3	64.30%	64.30%	10,094	10.8	30%	2	1	0
4,467	30	30	25.5	35.2	55.80%	55.80%	9,098	9.7	28%	2	1	0
6,630	35	30	29.75	37.4	27.30%	62.56%	6,606	7.7	20%	8.5	1.5	0
3,828	35	30	29.75	34.7	11.20%	58.05%	1,565	5.0	14%	8.5	1.5	0

Regulatory Speed Limit Violation Enforcement Assessment (Cont.)					
Est. Crash Risk Reduction (%)			Est. Crash Reduction (Count, 5Yr)		
All	Injury	Fatal	All	Injury	Fatal
27%	47%	69%	3.4	2.6	#N/A
30%	51%	73%	3.7	2.8	#N/A
26%	46%	68%	0.9	0.5	#N/A
26%	45%	67%	0.9	0.5	#N/A
29%	50%	72%	1.0	0.5	#N/A
29%	50%	72%	1.0	0.5	#N/A
18%	32%	52%	1.2	0.6	#N/A
17%	31%	49%	1.2	0.6	#N/A
14%	26%	42%	1.2	0.8	#N/A
9%	18%	30%	0.8	0.5	#N/A
14%	26%	43%	0.9	0.5	#N/A
15%	27%	44%	0.9	0.5	#N/A
30%	51%	73%	0.6	0.5	#N/A
28%	48%	70%	0.6	0.5	#N/A
20%	37%	57%	1.7	0.6	#N/A
14%	26%	43%	1.2	0.4	#N/A

Kenmore **A**utomated **P**hoto **E**nforcement

Intermittent Enforcement Prioritization, Phasing & Scaling



Tobin Bennett-Gold, P.E.
City Traffic Engineer

Monday June 23, 2025

Revisions Based On Discussion

Sites Re-Numbered

- Unrestricted: 100 series
- Restricted: 200 series
- Phase 1: 101-104, 201-204
- Phase 2: 105-112

Phased Rollout

- Phase 1: High-priority present safety need
- Phase 2: City-wide dynamic intermittent deployment
- Clarified initial and subsequent deployment criteria

Site Initial Deployment

- 2 months warning + 2 months active
- Better aligns with 2-month Deployments

Police Review – Info Update

- Existing Police Staff Adequate for Review Burden
- Police OT for review spikes at less than \$2 review

FSP Contribution – Info Update

- Expected FSP annual contribution is \$225k per camera
- \$900k from 4 cameras is expected to offload police traffic safety services from general fund

The map displays the city of Kenmore with various streets labeled, including NE 204TH ST, NE 202ND ST, NE 192ND ST, NE 181ST ST, NE BOTHELL WAY, NE 170TH ST, NE 160TH ST, NE 155TH ST, NE 153RD PL, NE 140TH ST, NE 130TH ST, NE 120TH ST, NE 110TH ST, NE 100TH ST, NE 90TH ST, NE 80TH ST, NE 70TH ST, NE 60TH ST, NE 50TH ST, NE 40TH ST, NE 30TH ST, NE 20TH ST, NE 10TH ST, NE 1ST ST, NE 2ND ST, NE 3RD ST, NE 4TH ST, NE 5TH ST, NE 6TH ST, NE 7TH ST, NE 8TH ST, NE 9TH ST, NE 10TH ST, NE 11TH ST, NE 12TH ST, NE 13TH ST, NE 14TH ST, NE 15TH ST, NE 16TH ST, NE 17TH ST, NE 18TH ST, NE 19TH ST, NE 20TH ST, NE 21ST ST, NE 22ND ST, NE 23RD ST, NE 24TH ST, NE 25TH ST, NE 26TH ST, NE 27TH ST, NE 28TH ST, NE 29TH ST, NE 30TH ST, NE 31ST ST, NE 32ND ST, NE 33RD ST, NE 34TH ST, NE 35TH ST, NE 36TH ST, NE 37TH ST, NE 38TH ST, NE 39TH ST, NE 40TH ST, NE 41ST ST, NE 42ND ST, NE 43RD ST, NE 44TH ST, NE 45TH ST, NE 46TH ST, NE 47TH ST, NE 48TH ST, NE 49TH ST, NE 50TH ST, NE 51ST ST, NE 52ND ST, NE 53RD ST, NE 54TH ST, NE 55TH ST, NE 56TH ST, NE 57TH ST, NE 58TH ST, NE 59TH ST, NE 60TH ST, NE 61ST ST, NE 62ND ST, NE 63RD ST, NE 64TH ST, NE 65TH ST, NE 66TH ST, NE 67TH ST, NE 68TH ST, NE 69TH ST, NE 70TH ST, NE 71ST ST, NE 72ND ST, NE 73RD ST, NE 74TH ST, NE 75TH ST, NE 76TH ST, NE 77TH ST, NE 78TH ST, NE 79TH ST, NE 80TH ST, NE 81ST ST, NE 82ND ST, NE 83RD ST, NE 84TH ST, NE 85TH ST, NE 86TH ST, NE 87TH ST, NE 88TH ST, NE 89TH ST, NE 90TH ST, NE 91ST ST, NE 92ND ST, NE 93RD ST, NE 94TH ST, NE 95TH ST, NE 96TH ST, NE 97TH ST, NE 98TH ST, NE 99TH ST, NE 100TH ST.

Legend:

- Intermittent Camera Location Boundary (Green outline)
- Existing and Pending Cameras (Red dot)
- Speed (Yellow circle)
- Site Restrictions:
 - Unrestricted (Blue square)
 - Restricted (Orange square)
 - Max 2 Cameras Authorized for Restricted Sites (Orange square with #)

Proposed KAPE Expansion

Scale: 0, 1,000, 2,000, 4,000 Feet

This map is intended for planning purposes only and is not guaranteed to show accurate measurements.

Map Date: Jun 2025

Updates

Prioritization

Phasing

Scaling

Motion

Page 461 of 474

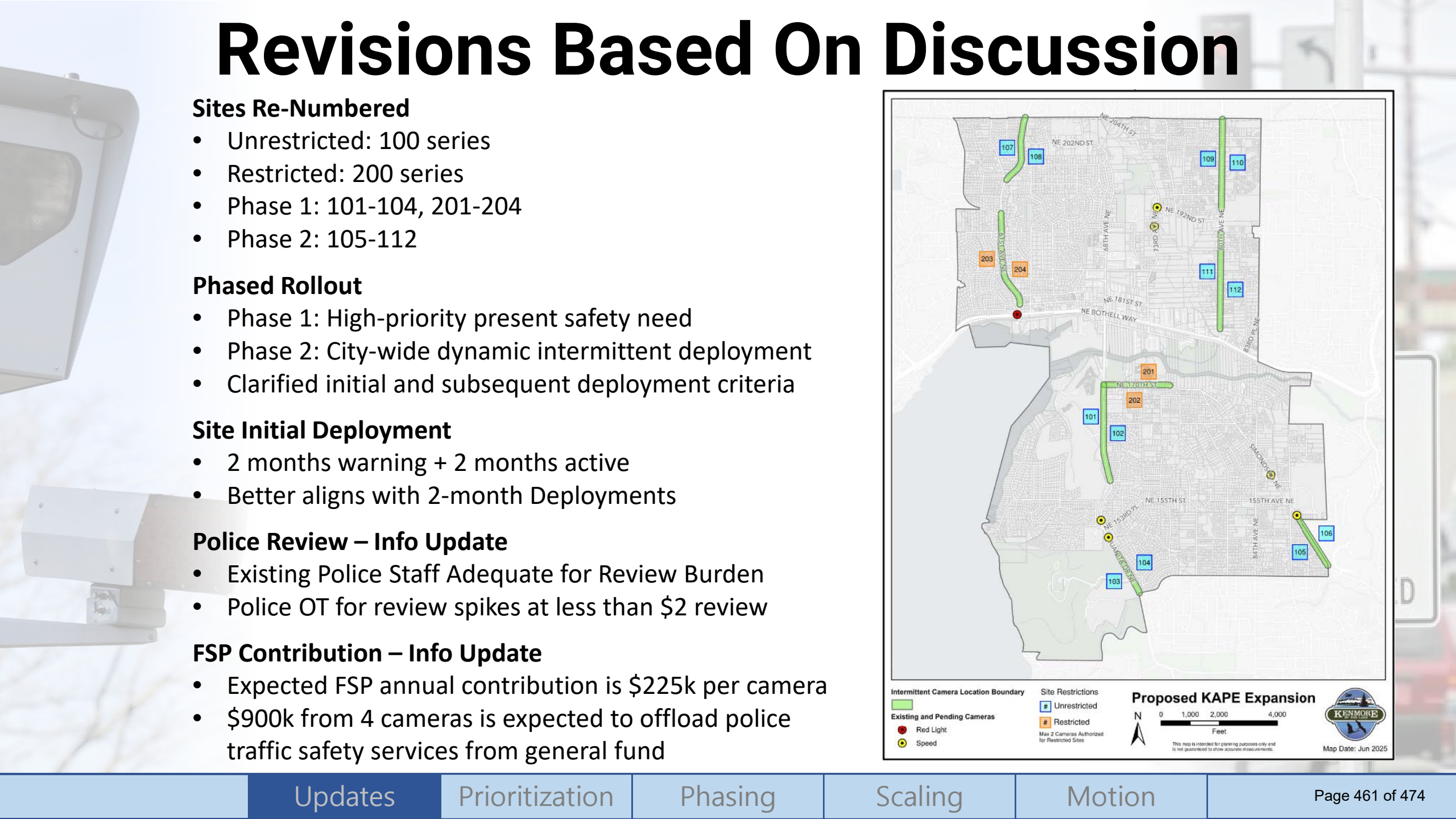
- Unrestricted: 100 series
- Restricted: 200 series
- Phase 1: 101-104, 201-204
- Phase 2: 105-112

- Phase 1: High-priority present safety need
- Phase 2: City-wide dynamic intermittent deployment
- Clarified initial and subsequent deployment criteria

- 2 months warning + 2 months active
- Better aligns with 2-month Deployments

- Existing Police Staff Adequate for Review Burden
- Police OT for review spikes at less than \$2 review

- Expected FSP annual contribution is \$225k per camera
- \$900k from 4 cameras is expected to offload police traffic safety services from general fund



Site Criteria

Use Reduced Speed Limit: ☐				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	4	1	6
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	1
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	7	11	7
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	8
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	2	11	3
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	3
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	11	7	10
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	10	7	11
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	13	3	15
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	16	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	14	9	14
112	NB	80th Av from 190th St to 177th Ct		YES	NO	15	9	12
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	5	15	1
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	5
203	SB	61st Av from 193rd St to 181st St		YES	YES	9	5	9
204	NB	61st Av from 193rd St to 181st St		YES	YES	12	5	13

All present and proposed KAPE sites:
Cyclists, pedestrians, and other vulnerable road users are not separated from motor vehicle traffic

Site Criteria

Use Reduced Speed Limit: ☐				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	4	1	6
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	1
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	7	11	7
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	8
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	2	11	3
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	3
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	11	7	10
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	10	7	11
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	13	3	15
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	16	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	14	9	14
112	NB	80th Av from 190th St to 177th Ct		YES	NO	15	9	12
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	5	15	1
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	5
203	SB	61st Av from 193rd St to 181st St		YES	YES	9	5	9
204	NB	61st Av from 193rd St to 181st St		YES	YES	12	5	13

KAPE IHS School Zone pending activation...
... any time now...

Ongoing project

Bike Lanes +
Lane Narrowing
Summer 2026

Project Summer 2028

Feasible alternatives horizon

Fixed Position Cameras: 5-year horizon

Transportable Cameras: 1-year horizon

Sidewalks, Bike Lanes,
Chicanes s/o 185th St
Summer 2026

Overall Site Priority

Use Reduced Speed Limit: ☐				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	4	1	6
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	1
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	7	11	7
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	8
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	2	11	3
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	3
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	11	7	10
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	10	7	11
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	13	3	15
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	16	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	14	9	14
112	NB	80th Av from 190th St to 177th Ct		YES	NO	15	9	12
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	5	15	1
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	5
203	SB	61st Av from 193rd St to 181st St		YES	YES	9	5	9
204	NB	61st Av from 193rd St to 181st St		YES	YES	12	5	13

*Based on data collected
under current conditions*

Primary Prioritization: Speeding

Overall Site Priority

Use Reduced Speed Limit: ☒				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	5	1	9
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	2
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	12
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	10	11	15
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	5
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	4	11	5
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	14	7	4
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	15	7	7
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	9	3	14
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	12	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	13	9	12
112	NB	80th Av from 190th St to 177th Ct		YES	NO	16	9	10
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	2
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	7	15	8
203	SB	61st Av from 193rd St to 181st St		YES	YES	2	5	1
204	NB	61st Av from 193rd St to 181st St		YES	YES	11	5	11

Incorporating estimated effects of planned speed limit reductions on 61st Av and 80th Av

Primary Prioritization: Speeding

Priority Crash Context

Use Reduced Speed Limit: ☒				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	5	1	9
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	2
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	12
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	10	11	15
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	5
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	4	11	5
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	14	7	4
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	15	7	7
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	9	3	14
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	12	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	13	9	12
112	NB	80th Av from 190th St to 177th Ct		YES	NO	16	9	10
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	2
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	7	15	8
203	SB	61st Av from 193rd St to 181st St		YES	YES	2	5	1
204	NB	61st Av from 193rd St to 181st St		YES	YES	11	5	11

61%

76%

68% reduced risk of fatal crashes

Primary Prioritization: Speeding

Site Context: Crashes

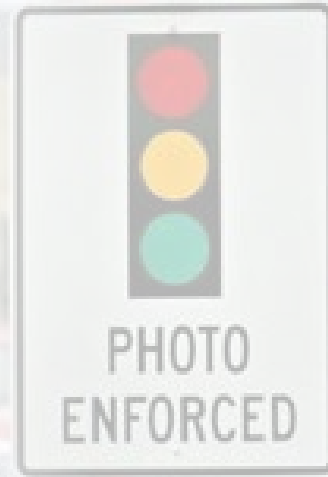
Crash Modification Factor (Fatal)

Phase 1 Sites

Use Reduced Speed Limit: ☐				Criteria		Priority		
Site No.		Site Name		Vulnerable Road Users	No Feasible Alternative	Speeding (Ranked)	Crashes (Ranked)	CMF (Ranked)
101	SB	Juanita Dr from 170th St to 158th St		YES	YES	5	1	9
102	NB	Juanita Dr from 170th St to 158th St		YES	YES	1	1	2
103	SB	Juanita Dr from 149th St to South City Limits		YES	YES	8	11	12
104	NB	Juanita Dr from 149th St to South City Limits		YES	YES	10	11	15
105	SB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	3	11	5
106	NB	Simonds Rd from 152nd Pl to South City Limits		YES	NO	4	11	5
107	SB	61st Pl from North City Limits to 60th Av		YES	NO	14	7	4
108	NB	61st Pl from North City Limits to 60th Av		YES	NO	15	7	7
109	SB	80th Av from North City Limits to 193rd Pl		YES	NO	9	3	14
110	NB	80th Av from North City Limits to 193rd Pl		YES	NO	12	3	16
111	SB	80th Av from 190th St to 177th Ct		YES	NO	13	9	12
112	NB	80th Av from 190th St to 177th Ct		YES	NO	16	9	10
201	WB	170th St from Juanita Dr to 75th Av		YES	YES	6	15	2
202	EB	170th St from Juanita Dr to 75th Av		YES	YES	7	15	8
203	SB	61st Av from 193rd St to 181st St		YES	YES	2	5	1
204	NB	61st Av from 193rd St to 181st St		YES	YES	11	5	11

High Priority Sites

High Priority Sites



Phase 1 Schedule

High Priority Sites

Site No.	Site Name	2025		2026		Mar	Apr	May	Jun
		Nov	Dec	Jan	Feb				
101	SB	Juanita Dr from 170th St to 158th St	Warning	Warning	Active	Active			
102	NB	Juanita Dr from 170th St to 158th St	Warning	Warning	Active	Active			
103	SB	Juanita Dr from 149th St to South City Limits					Warning	Warning	Active
104	NB	Juanita Dr from 149th St to South City Limits					Warning	Warning	Active
201	WB	170th St from Juanita Dr to 75th Av	Warning	Warning	Active	Active			
202	EB	170th St from Juanita Dr to 75th Av	Warning	Warning	Active	Active			
203	SB	61st Av from 193rd St to 181st St					Warning	Warning	Active
204	NB	61st Av from 193rd St to 181st St					Warning	Warning	Active

Camera 1	Camera 2
Camera 3	Camera 4

105	SB	Simonds Rd from 152nd Pl to South City Limits
106	NB	Simonds Rd from 152nd Pl to South City Limits
107	SB	61st Pl from North City Limits to 60th Av
108	NB	61st Pl from North City Limits to 60th Av
109	SB	80th Av from North City Limits to 193rd Pl
110	NB	80th Av from North City Limits to 193rd Pl
111	SB	80th Av from 190th St to 177th Ct
112	NB	80th Av from 190th St to 177th Ct

Speed limit reduction August 2025

Project planned for 2028

- Site conditions appropriate for enforcement
- Speeds warrant intervention now
- Speed limit in place for 6 months or longer
- Other interventions are not feasible on a 1-year horizon

Phase 2 Site Criteria

Site No.		Site Name	2026					
			Jul	Aug	Sep	Oct	Nov	Dec
101	SB	Juanita Dr from 170th St to 158th St						
102	NB	Juanita Dr from 170th St to 158th St						
103	SB	Juanita Dr from 149th St to South City Limits						
104	NB	Juanita Dr from 149th St to South City Limits						
201	WB	170th St from Juanita Dr to 75th Av						
202	EB	170th St from Juanita Dr to 75th Av						
203	SB	61st Av from 193rd St to 181st St						
204	NB	61st Av from 193rd St to 181st St						

Camera 1 & 2	Camera 1, 2, 3, 4
-----------------	----------------------

105	SB	Simonds Rd from 152nd Pl to South City Limits						
106	NB	Simonds Rd from 152nd Pl to South City Limits						
107	SB	61st Pl from North City Limits to 60th Av						
108	NB	61st Pl from North City Limits to 60th Av						
109	SB	80th Av from North City Limits to 193rd Pl						
110	NB	80th Av from North City Limits to 193rd Pl						
111	SB	80th Av from 190th St to 177th Ct						
112	NB	80th Av from 190th St to 177th Ct						

Initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement

Non-initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement
- Speed limit in place for 6 months or longer
- Other interventions are not feasible on a 1-year horizon

Speed limit reduction
May 2026

Project Estimated
Completion May 2027

Phase 2 Dynamic Deployment

2026 EXAMPLE OF POSSIBLE DEPLOYMENT

Site No.		Site Name
101	SB	Juanita Dr from 170th St to 158th St
102	NB	Juanita Dr from 170th St to 158th St
103	SB	Juanita Dr from 149th St to South City Limits
104	NB	Juanita Dr from 149th St to South City Limits
201	WB	170th St from Juanita Dr to 75th Av
202	EB	170th St from Juanita Dr to 75th Av
203	SB	61st Av from 193rd St to 181st St
204	NB	61st Av from 193rd St to 181st St

Dynamic deployment prioritized across all sites meeting criteria

105	SB	Simonds Rd from 152nd Pl to South City Limits
106	NB	Simonds Rd from 152nd Pl to South City Limits
107	SB	61st Pl from North City Limits to 60th Av
108	NB	61st Pl from North City Limits to 60th Av
109	SB	80th Av from North City Limits to 193rd Pl
110	NB	80th Av from North City Limits to 193rd Pl
111	SB	80th Av from 190th St to 177th Ct
112	NB	80th Av from 190th St to 177th Ct

Initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement

Jul	Aug	Sep	Oct	Nov	Dec
				Active	Active
Active	Active			Active	Active
		Active	Active		
Active	Active				
				Active	Active
				Active	Active
		Active	Active		

Camera 1 & 2	Camera 1, 2, 3, 4
--------------	-------------------

Camera 1	Camera 2
Camera 3	Camera 4

Warning	Warning	Active	Active		
Warning	Warning	Active	Active		

First-time site begins with warning period followed by active period

1st time or 10th time
...or 100th time

If sites don't meet speed criteria or aren't top priority, they don't get a camera

Non-initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement
- Speed limit in place for 6 months or longer
- Other interventions are not feasible on a 1-year horizon

Phase 2 Site Pool

Site No.		Site Name
101	SB	Juanita Dr from 170th St to 158th St
102	NB	Juanita Dr from 170th St to 158th St
103	SB	Juanita Dr from 149th St to South City Limits
104	NB	Juanita Dr from 149th St to South City Limits
201	WB	170th St from Juanita Dr to 75th Av
202	EB	170th St from Juanita Dr to 75th Av
203	SB	61st Av from 193rd St to 181st St
204	NB	61st Av from 193rd St to 181st St

105	SB	Simonds Rd from 152nd Pl to South City Limits
106	NB	Simonds Rd from 152nd Pl to South City Limits
107	SB	61st Pl from North City Limits to 60th Av
108	NB	61st Pl from North City Limits to 60th Av
109	SB	80th Av from North City Limits to 193rd Pl
110	NB	80th Av from North City Limits to 193rd Pl
111	SB	80th Av from 190th St to 177th Ct
112	NB	80th Av from 190th St to 177th Ct

Initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement

2027											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Camera 1 & 2	Camera 1, 2, 3, 4
-----------------	----------------------

Non-initialized Sites:

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement
- Speed limit in place for 6 months or longer
- Other interventions are not feasible on a 1-year horizon

Project Estimated
Completion May 2027

[illegible]

105	SB	Simonds Rd from 152nd Pl to South City Limits
106	NB	Simonds Rd from 152nd Pl to South City Limits
107	SB	61st Pl from North City Limits to 60th Av
108	NB	61st Pl from North City Limits to 60th Av
109	SB	80th Av from North City Limits to 193rd Pl
110	NB	80th Av from North City Limits to 193rd Pl
111	SB	80th Av from 190th St to 177th Ct
112	NB	80th Av from 190th St to 177th Ct

[illegible]

Initialized Sites:

- ## ~~Non-initialized Sites:~~

- Site conditions appropriate for enforcement
- Recent speeds warrant intervention
- Speed change unlikely without enforcement
- Speed limit in place for 6 months or longer
- Other interventions are not feasible on a 1-year horizon

Scaling Options

Four Cameras

Two Cameras

Recommended Sites

Reduced Sites

- Highly responsive to changing speed management needs
- Citywide speed management benefit
- Full FSP contribution to offload safety services from general fund
- Most successful programs have 3 to 4 sites per camera

- Longer deployments or camera downtime
- Reduced geographic equity
- Increased financial impact per site
- Lead time of six to nine months to respond to sites not yet approved

- Phase 1 increases from 8 months to 16 months
- Reduced citywide speed management effect
- Reduced financial impact on drivers, reduced funding for safety investment
- Less responsive to multiple locations in need of speed management

- Phase 1 increases from 8 months to 16 months
- Reduced geographic equity
- Reduced financial impact on drivers, reduced funding for safety investment
- Lead time of six to nine months to respond to sites not yet approved

Recommended Council Action

- 1. Motion to approve list of recommended expanded KAPE locations.**
- 2. Motion to authorize the City Manager to execute a contract amendment with Vera Mobility for an amount up to \$1.2 Million plus per-violation processing fees for expansion of the photo enforcement program.**