

ORDINANCE NO. 4307

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council dated May 26, 2011, and bearing Kirkland Department of Planning and Community Development File No. ZON10-00014; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on March 24, 2011, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and Houghton Community Council;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zone of the Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in Attachment B which by this reference is incorporated herein.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 5. Except as provided in Section 4, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 7th day of June, 2011.

SIGNED IN AUTHENTICATION thereof this 7th day of June, 2011.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

ZONING

TABLE OF CONTENTS

This code contains zoning regulations for the Finn Hill, North Juanita, and Kingsgate annexation areas as adopted by the Kirkland City Council through Ordinance 4196. The effective date of the annexation and Ordinance 4196 zoning regulations is June 1, 2011.

[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

[Zoning Code Interpretations](#)

[Chapter 1](#) – User Guide

[Chapter 5](#) – Definitions

[Chapter 10](#) – Legal Effect/Applicability

[Chapter 15](#) – Single-Family Residential (RS) Zones

[Chapter 17](#) – Single-Family Residential X (RSX) Zones

[Chapter 18](#) – Single-Family Residential A (RSA) Zones

[Chapter 20](#) – Multifamily Residential (RM and RMA) Zones

[Chapter 25](#) – Professional Office Residential (PR) and Professional Office Residential A (PRA) Zones

[Chapter 27](#) – Professional Office (PO) Zones

[Chapter 30](#) – Waterfront District (WD) Zones

[WDI Zone](#)

[WDII Zone](#)

[WDIII Zone](#)

[Chapter 35](#) – Freeway Commercial (FC) Zones

[FCIII Zone](#)

[Chapter 40](#) – Neighborhood Business (BN) Zones and Neighborhood Business A (BNA) Zones

[Chapter 45](#) – Community Business (BC, BC 1 and BC 2) Zones

[Chapter 47](#) – Community Business X (BCX) Zones

[Chapter 48](#) – Light Industrial Technology (LIT) Zones

[Chapter 49](#) – Park/Public Use (P) Zones

[Chapter 50](#) – Central Business District (CBD) Zones

[CBD-1A & 1B](#)

[CBD-2](#)

[CBD-3](#)

[CBD-4](#)

[CBD-5](#)

[CBD-5A](#)

[CBD-6](#)

[CBD-7](#)

[CBD-8](#)

[50.60](#) Special Parking Provisions in the CBD 1, 2, and 8 Zones

[50.62](#) Building Height Provisions in the CBD

[Chapter 51](#) – Market Street Corridor (MSC) Zones

[MSC 1, 4](#)

[MSC 2](#)

[MSC 3](#)

[Chapter 52](#) – Juanita Business District (JBD) Zones

[JBD-1](#)

[JBD-2](#)

[JBD-3](#)

[JBD-4](#)

[JBD-5](#)

[JBD-6](#)

[Chapter 53 – Rose Hill Business District \(RHBD\) Zones](#)

[RH 1A](#)

[RH 1B](#)

[RH 2A, 2B, 2C](#)

[RH 3](#)

[RH 4](#)

[RH 5A, 5B](#)

[RH 5C](#)

[RH 7](#)

[RH 8](#)

[Chapter 54 – North Rose Hill Business District \(NRHBD\) Zones](#)

[NRH-1A](#)

[NRH-1B](#)

[NRH-2](#)

[NRH-3](#)

[NRH-4](#)

[NRH-5](#)

[NRH-6](#)

[Chapter 55 – Totem Lake \(TL\) Zones](#)

[TL 1A](#)

[TL 1B](#)

[TL 2](#)

[TL 3A, 3B, 3C, 3D](#)

[TL 4A, 4B, 4C](#)

[TL 5](#)

[TL 6A, 6B](#)

[TL 7](#)

[TL 8](#)

[TL 9A](#)

[TL 9B](#)

[TL 10A](#)

[TL 10B](#)

[TL 10C](#)

[TL 10D](#)

[TL 10E](#)

[TL 11](#)

[Chapter 56 – Yarrow Bay Business District \(YBD\) Zones](#)

[YBD 1](#)

[Chapter 60 – Planned Areas \(PLA\)](#)

[PLA1](#)

[PLA2](#)

[PLA3](#)

[PLA5](#)

[PLA6](#)

[PLA7](#)

[PLA9](#)

[PLA14](#)

[PLA15](#)

[PLA16](#)

[PLA17](#)

[Chapter 70 – Holmes Point Overlay Zone](#)

[Chapter 72 – Adult Activities Overlay Zone](#)

[Chapter 75 – Historic Landmark Overlay Zone](#)

[Chapter 78 – Secure Community Transition Facility Overlay Zone](#)

[Chapter 80 – Equestrian Overlay Zone](#)

- [Chapter 83](#) – Shoreline Management
- [Chapter 85](#) – Geologically Hazardous Areas
- [Chapter 90](#) – Drainage Basins
- [Chapter 92](#) – Design Regulations
- [Chapter 95](#) – Tree Management and Required Landscaping
- [Chapter 100](#) – Signs
- [Chapter 105](#) – Parking Areas, Vehicle and Pedestrian Access, and
Related Improvements
- [Chapter 110](#) – Required Public Improvements
- [Chapter 112](#) – Affordable Housing Incentives – Multifamily
- [Chapter 113](#) – Cottage, Carriage and Two/Three-Unit Homes
- [Chapter 115](#) – Miscellaneous Use Development and Performance Standards
- [Chapter 117](#) – Personal Wireless Service Facilities
- [Chapter 120](#) – Variances
- [Chapter 125](#) – Planned Unit Development
- [Chapter 127](#) – Temporary Use
- [Chapter 130](#) – Rezone
- [Chapter 135](#) – Amendments to the Text of the Zoning Code
- [Chapter 140](#) – Amendments to the Comprehensive Plan
- [Chapter 141](#) – Shoreline Administration
- [Chapter 142](#) – Design Review
- [Chapter 145](#) – Process I
- [Chapter 150](#) – Process IIA
- [Chapter 152](#) – Process IIB
- [Chapter 160](#) – Process IV
- [Chapter 161](#) – Process IVA
- [Chapter 162](#) – Nonconformance
- [Chapter 165](#) – Authority
- [Chapter 170](#) – Code Administration
- [Chapter 175](#) – Bonds
- [Chapter 180](#) – Plates

[Table of Revised Pages](#)
[Ordinance History Table](#)
[Ordinance Table](#)

CHAPTER 56 – Yarrow Bay Business District (YBD) ZONES

56.05 User Guide.

The charts in KZC 56 contain the basic zoning regulations that apply in the YBD 1 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
56.08**

Zone
YBD 1

Section 56.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in the YBD 1 zone are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 56.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units	DR, Chapter 142 KZC	None	5' See Spec.Reg. 2	0'	0'	100%	65' above average building elevation. See Spec. Reg.11	C	E. See Spec. Reg. 15	Residential: 1.1 per unit, plus guest parking: .05 per unit. Restaurant/tavern: 1 per each 125 sq.ft. of gross floor area. Retail: 1 per each 350 sq.ft. of gross floor area. Office: 1 per each 350 sq.ft. of gross floor area. Entertainment, cultural, recreational: Chapter 105.25 See also 105.103	<ol style="list-style-type: none"> 1. The required minimum front yard for any portion of the structure containing parking facilities shall be 10'. 2. The front setback may be reduced to 0' where retail uses or other ground floor space is designed to provide direct pedestrian access to the street and located adjacent to a pedestrian oriented street, major pedestrian pathway or adjacent to a transit facility. 3. May include one or more of the other uses allowed in this zone. 4. The following uses are prohibited: <ol style="list-style-type: none"> a. Drive-through facilities. b. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers 5. At least 50% of the linear frontage of the ground floor along NE 38th Place must include one or more of the following uses: Retail uses selling goods or providing services, including restaurants or taverns; Banking and Related Financial Services; School, Day-Care or Mini School or Mini Day-Care Center; Government Facility; Community Facility; and retail establishments providing entertainment, cultural and/or recreational activities. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential are allowed within this space subject to applicable design guidelines. The minimum ground floor story height for these uses shall be 13 feet. 6. Commercial uses along NE 38th Place may occupy the first two floors of a structure. Otherwise, gross floor area constructed above the ground floor must be dedicated to residential use.

													<p>methodology used in the definition of Affordable Housing Unit in Chapter 5 KZC.</p> <p>b. For owner-occupied housing:</p> <ul style="list-style-type: none"> o A minimum of 20 percent of total residential units shall be affordable housing units as defined in KZC Section 5.10.023.1.a. <p>14. The following additional regulations apply to affordable housing units included in development:</p> <p>a. Alternative Affordability Levels – Subject to Planning Director approval, an applicant for owner-occupied housing may propose affordability levels different from those defined in this Chapter. In approving any different affordability levels, the Director shall use ratios similar to those in Chapter KZC 112.20.3.b.</p> <p>b. Affordable housing provided pursuant to this section shall also comply with the following sections of Chapter 112KZC: 112.15.4 (Rounding); 112.35.2 (Affordability Agreement)</p> <p>c. The following provisions of Chapter 112 KZC do not apply to this zoning district: 112.20 (Basic Affordable Housing Incentives); 112.25 (Additional Affordable Housing Incentives); 112.30 (Alternative Compliance).</p> <p>d. Other provisions for the affordable housing units are:</p> <ul style="list-style-type: none"> o The type of ownership of the affordable housing units shall be the same as the type of ownership for the rest of the housing units in the development. o The affordable housing units shall consist of a range in number of bedrooms that are comparable to units in the overall development. o The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Planning Director. In no case shall the affordable housing units be more than 10 percent smaller than the comparable dwelling units in the development, based on number of bedrooms, or less than 500 square feet for a one-bedroom unit, 700 square feet for a two-bedroom unit, or 900 square feet for a three-bedroom unit, whichever is less. o 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, unless the Planning Director approves a phasing plan pursuant to KMC 5.88.090. o The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development. o 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 of Kirkland. <p>e. Applicants may request an exemption from payment of road impact fees for the affordable housing units as established by</p>
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												<p>KMC 27.04.050.</p> <p>f. Applicants providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.</p> <p>g. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the affordable housing and moderate income units as established in KMC 5.74.070 and KMC Title 21.</p> <p>h. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC</p> <p>15. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</p> <p>16. Development shall be designed, built and certified to achieve or exceed the following green building standards:</p> <p>a. Evergreen Standard or Built Green 4 star certified for all housing units.</p> <p>b. For the parking garage and non-residential uses, either a LEED Silver CS (Core and Shell) certified or LEED CS checklist with a third party independent verification and inspection to meet the LEED CS Silver Standard.</p> <p>17. This use must be part of a development that includes an increase in the number of parking stalls available exclusively to users of the Park and Ride facility.</p> <p>18. Parking stalls to serve the use must be in addition to those provided as part of the expansion of capacity for the Park and Ride facility.</p>
.020	Office Uses	DR, Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	<p>1. The following regulations apply to veterinary offices only:</p> <p>a. May only treat small animals on the subject property.</p> <p>b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.030	Restaurant or Tavern				10' on each side							20'

.040	Funeral Home or Mortuary				20' on each side				C	B	1 per each 300 sq. ft. of gross floor area.	
.050	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10' on each side				B	E		<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 sq. ft.
.060	Retail Establishment providing banking or related financial service											<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure.
.070	Church	DR, Chapter 142 KZC	None	20'	20' on each side	20'	70%	30' above average building elevation. See Spec. Reg. 8.	C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> 1. No parking is required for day-care or school ancillary to the use.
.080	School or Day-Care Center			If this use can accommodate 50 or more students or children, then:					D		See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be

.110	Hospital Facility	DR, Chapter 142 KZC.	One Acre						B	See KZC 105.25.	
.120	Public Utility	DR, Chapter 142 KZC.	None						A		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility								C See Spec. Reg. 1.		
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									

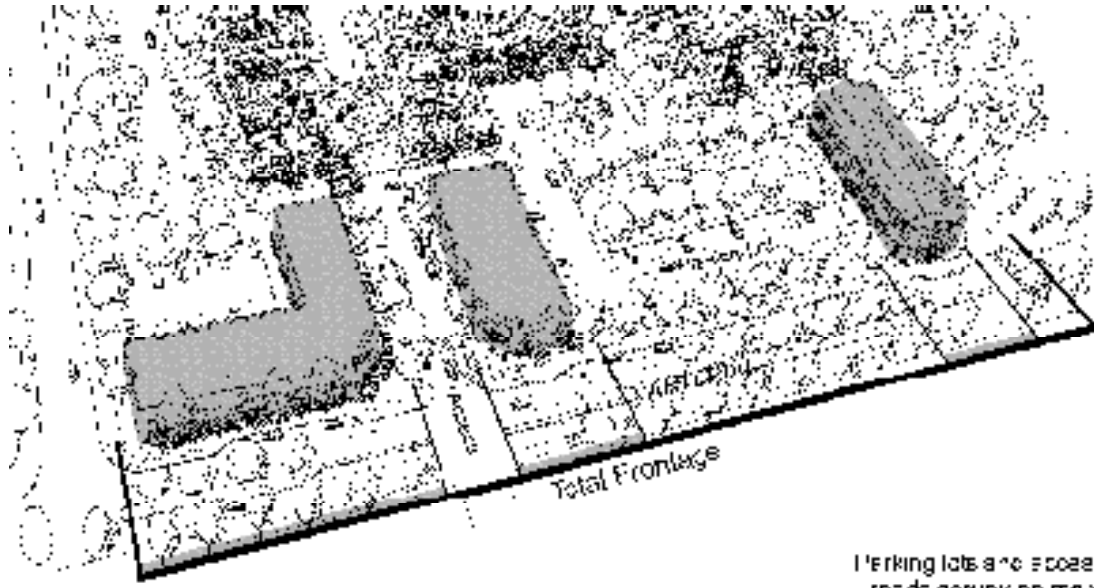
105.58 Location of Parking Areas Specific to Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas in the CBD, TC (TL 1, TL 2, TL 3) Zones
 - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
 - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2, ~~and the~~ NRHBD and YBD 1 Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.
4. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
 - a. TL 4, only properties fronting on 120th Avenue NE;
 - b. TL 5;
 - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d. TL 6B, only properties fronting on NE 124th Street;
 - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.



Perking lots and spaces
reside occupy no more
than 50% of the total
street frontage

FIGURE 105.58.A

110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC such as CBD, JBD, TLN, TC, RHBD, ~~and~~NRHBD ~~and~~ YBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34).

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

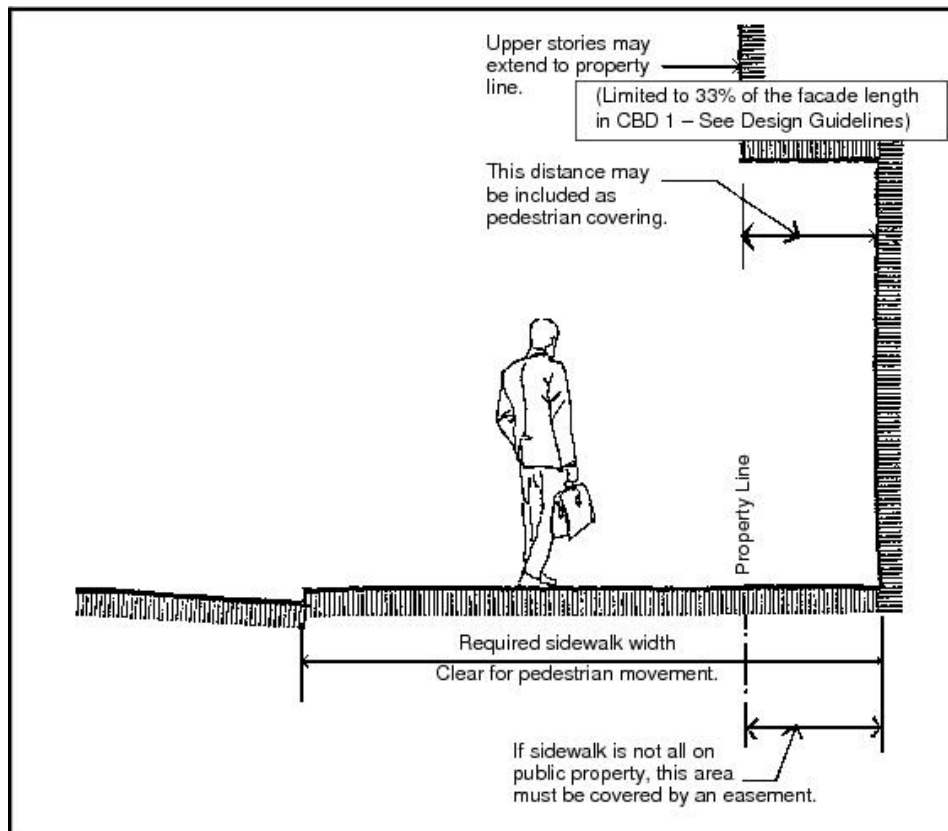
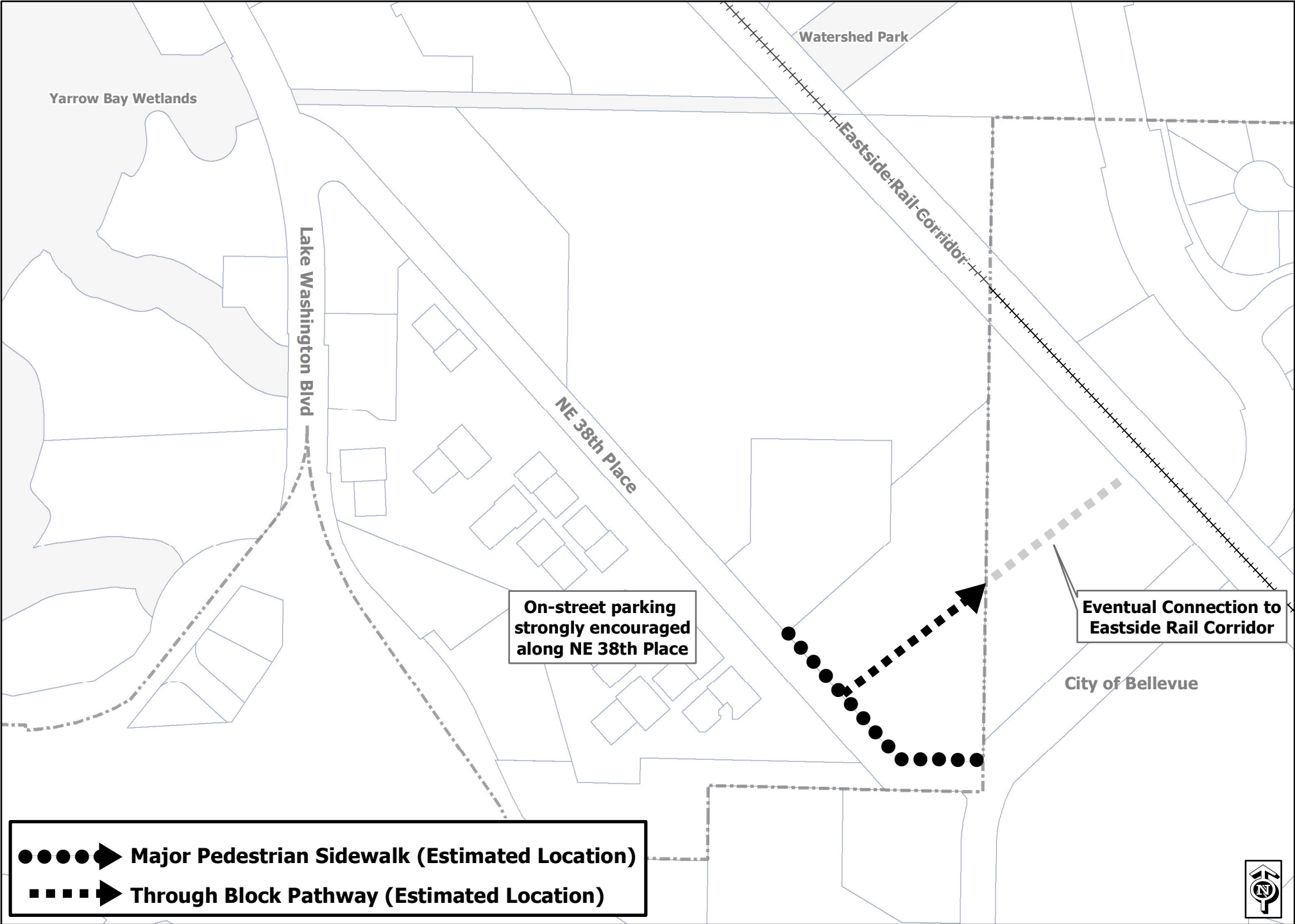


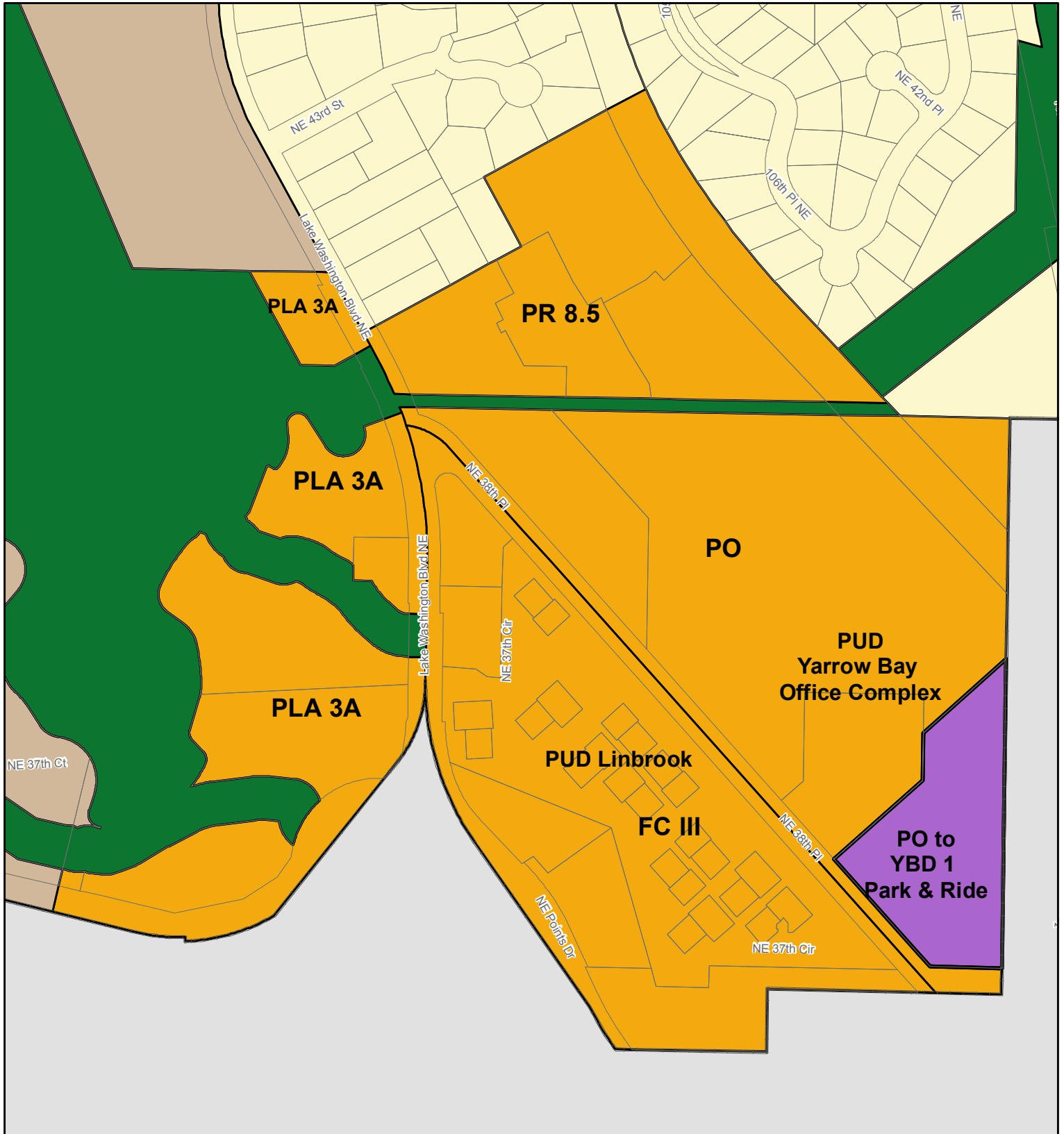
FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter [180](#) KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:
 - a. Install in the approximate location and make the connections shown in Plate 34;
 - b. A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;
 - c. Have adequate lighting with increased illumination around building entrances and transit stops; and
 - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
4. Streets in the Totem Lake Neighborhood – Streets in the Totem Lake Neighborhood designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter [180](#) KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.
5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

Plate 34L: PEDESTRIAN CIRCULATION IN YBD



Proposed PO to YBD 1 Rezone



 Kirkland City Limits
  Tax Parcels
  PO to YBD 1

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PUBLICATION SUMMARY
OF ORDINANCE NO. 4307

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

SECTION 1. Provides that regulations in portions of the Kirkland Zoning Code relating to transit-oriented development at the South Kirkland Park and Ride are amended in various respects, and that the amendments are attached to the Ordinance as Attachment A.

SECTION 2. Provides that the Kirkland Zoning Map is amended, rezoning the South Kirkland Park and Ride property in Kirkland from PO to YBD 1, and that the amendment is attached to the Ordinance as Attachment B.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Provides that the Ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of this summary.

SECTION 6. Provides that the City Clerk shall send a certified copy of the Ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 7th day of June, 2011.

I certify that the foregoing is a summary of Ordinance 4307 approved by the Kirkland City Council for summary publication.



City Clerk