

The Kirkland Comprehensive Zoning Ordinance

Legal Notice

ORDINANCE NO. 709

AN ORDINANCE OF THE CITY OF KIRKLAND TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS AND THE USE OF LAND WITHIN THE CITY OF KIRKLAND; TO LIMIT THE HEIGHT OF BUILDINGS; TO PRESCRIBE SIZE OF YARDS, SETBACK REQUIREMENTS, BUILDING LINES; TO PRO-

VIDE AUTOMOBILE PARKING REQUIREMENTS AND OTHER OPEN SPACES; TO REGULATE PRIVATE AND PUBLIC BOAT MOORAGES; TO REGULATE PUBLIC UTILITY INSTALLATIONS, ESTABLISH PROCEDURE FOR APPROVAL OF PLANS AND USES AND FOR ALL THESE PURPOSES TO DIVIDE THE CITY INTO ZONES. THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

CHAPTER 1 SHORT TITLE

This Ordinance shall be known and may be cited as "The Kirkland Comprehensive Zoning Ordinance."

CHAPTER 2. ZONES CREATED AND CLASSIFIED

SECTION 2.1 ESTABLISHMENT OF LAND USE ZONES:

In order to classify, segregate and regulate the uses of land, buildings, and structures, the City of Kirkland hereby is divided into the following sixteen (16) land use zones.

SYMBOL	PRIORITY	ESSENTIAL USE	DESCRIPTION
R-18.5	1	Single Family	Residence Zone - 18,500 sq. ft. Min. Lot
R-12.5	2	Single Family	Residence Zone - 12,500 sq. ft. Min. Lot
R-8.5	3	Single Family	Residence Zone - 8,500 sq. ft. Min. Lot
R-6.0	4	Single Family	Residence Zone - 6,000 sq. ft. Min. Lot
S-1A	5	Single Family	Residence Zone - 1 Acre Min. Lot
S-A	6	Single Family	Residence & Agricultural Zone, Unsubdivided
R-2	7	Two Family	Residence Zone - 6,000 sq. ft. Min. Lot
R-3	8	Multifamily	Residence Zone - 7,200 sq. ft. Min. Lot
R-4	9	Auto Court	Semi commercial Zone - 1 Acre Min. Lot
R-S	10	Semi-public	Semi commercial Zone - 8,500 sq. ft. Min. Lot
B-P	11	Auto Parking	Commercial Zone
C-1	12	Neighborhood Business	Commercial Zone
C-2	13	Retail Business	Commercial Zone
C-3	14	Commercial Business	Commercial Zone
C-M	15	Controlled Manufacturing	Industrial Zone
C-H-I	16	Controlled Heavy Industrial	Industrial Zone

SECTION 2.2 SPECIALLY Classified Areas. Suitable areas may be zoned especially for parks and playgrounds.

SECTION 2.3 ZONING MAPS.

The boundaries of said land zones shall be determined and defined or re-defined from time to time by the adoption of area zone maps, covering the city, showing the geographical area and location of said zones. Each said zone map shall be, upon its final adoption, apart of this comprehensive zoning ordinance, and said map, and all notations, references and other information shown thereon, thereafter shall be as much a part of this ordinance as though all matters and information set forth on said map were fully described herein.

SECTION 2.4 RULES OF CONSTRUCTION. When uncertainty exists as to boundaries of any land use zone shown on said sectional area zone maps, the following rules of construction shall apply:

2.4.10 Where zone boundaries are indicated as approximately following the center line of streets, alleys or highways, the actual center line shall be construed to be the boundary.

2.4.20 Where zone boundaries are indicated as running approximately parallel to the center line of the street, the boundary line shall be construed to be parallel to the center line of the street.

2.4.30 Where zone boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract line, shall be construed to be the boundaries of such zone.

2.4.40 Where a zone boundary on such sectional maps divides a tract in unsubdivided property, the location of such zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on such sectional area zone map.

2.4.50 Unmapped shorelands shall be considered to be within the same land use zone as the adjacent upland as shown on the sectional area maps.

2.4.60 Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley.

2.4.70. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Planning Commission shall recommend and the City Council determine, the location of such zone boundaries.

SECTION 2.5 The boundaries of such zones as are shown upon any sectional area zone map adopted by this ordinance, or amendments thereto, are hereby adopted and approved and the regulations of this ordinance governing the uses of land, buildings and structures, the height of buildings, and structures, the size of yards about buildings and structures, and other matters as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon each said sectional area zone map.

SECTION 2.6. Except as herein provided: (a) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this ordinance or amendments thereto as permitted in the zone in which such land, building, structure or premises is located.

(b) No building or structure shall be erected, nor shall any existing building or structure be moved, reconstructed or structurally altered, to exceed in height the limit established by this ordinance or amendments thereto for zone in which such building or structure is located. (c) No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and yard regulations established by this ordinance or amendments thereto for the zone in which such building or structure is located.

(d) No yard or other open spaces provided about any building or structure for the purpose of complying with the regulations of this ordinance or amendments thereto, shall be considered as providing a yard or open space

for any other building or structure.

2.10 OFFICIAL ESSENTIAL ZONE MAP. This Ordinance shall consist of the text hereof and also as fully as though contained herein, that certain map or book of maps identified by the approved signatures of the Mayor and City Clerk on the title page and original map marked and designated as "The maps of the Zoning Ordinance of the City of Kirkland," which map or book is now on file in the office of the City Clerk of Kirkland. The original map bears the same date as this Ordinance. The said map has been heretofore examined in detail by the City Council after having been approved by the Kirkland Planning Commission and is hereby adopted as a part of this Ordinance. This Ordinance and each and all of its terms is to be read and interpreted in the light of the contents of said map or maps. If any conflict between the map or book of maps and the text of this Ordinance is deemed to arise, the text of the Ordinance shall prevail.

CHAPTER 3. DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

ACCESSORY BUILDING. A subordinate building, the use of which is incidental to the use of the main building on the same lot.

ACCESSORY USE. A use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS. A change or rearrangement of the structural parts or exit facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location

to another. In buildings for business, commercial or similar uses the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

APARTMENT HOUSE.

A building or portion of a building arranged or designed to be occupied by three or more families living independently of each other.

AREA, BUILDING. The total ground coverage of a building or structure which provides shelter measured from the outside of its external walls or supporting members or from a point 4' in from the outside edge of a cantilevered roof.

AREA, SITE. The total horizontal area within the property lines excluding external streets.

AUTO COURT. This term includes tourist court, motor lodge; motel, cabin court, motor inn and similar names. An auto court is a building or buildings, detached or in connected units or designed as a single structure, the units of which are used as individual sleeping or dwelling units having their own private toilet facilities, and may or may not have their own kitchen facilities, and are designed primarily for the accommodation of transient automobile travelers. Accommodations for trailers are not included.

AUTO CAMP. See Trailer camp.

BASEMENT. That portion of a story partly underground and having at least 1/2 of its height or more than 5' below the adjoining finish grade.

BILLBOARD. See Sign.

BOARDING HOUSE. A dwelling in which not more than four roomers and/or boarders are housed or fed.

BOAT HOUSE. See Garage, Private - Public.

BUILDING. A Building is a structure as herein defined. When separated by division walls without openings each portion so separated shall be considered a separate building.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the proposed finished grade around the building to the highest point of a flat roof and to the mean height between eaves and ridge of a pitched roof.

BUILDING LINE. The line of that face or corner or part of a building nearest the property line.

BUILDING SITE. See Area Site.

CELLAR. See Basement.

CLINIC. A building designed and used for the medical and surgical diagnosis and treatment of outpatients under the care of doctors and nurses.

COOPERATIVE OR GROUP HOUSE. A building occupied and maintained as a housekeeping unit by eight or more unrelated persons.

COURT. An unoccupied open space bounded on three or more sides by buildings or lot lines on which walls are permitted.

COVERAGE. The percentage of the area of a lot which is built upon or used for a business or commercial purpose.

DETACHED BUILDING. A building surrounded on all sides by open space.

DWELLING, ONE FAMILY. A detached building containing but one kitchen, designed for and occupied exclusively by one family and the household employees of that family.

DWELLING, TWO FAMILY. A detached building containing two kitchens and designed to be occupied by two families living independently of each other.

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It is also known as a duplex.
DWELLING, MULTI-FAMILY. A building designed to house three or more families living independently of each other.

DWELLING UNIT. A building or portion thereof providing complete housekeeping facilities for one family.

ELECTRICAL DISTRIBUTION SUBSTATION. An assembly of equipment designed to receive energy from a high voltage distribution supply system, to convert it to a form suitable for local distribution and distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

ESSENTIAL USE. That use for the preservation or promotion of which the use zone was created, and to which all other permitted uses are subordinate.

FAMILY. One person or two or more related persons living together. Not more than eight unrelated persons living together as a single, non profit housekeeping unit.

FLOOR AREA. The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the center line of division walls. Floor area shall include: Basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of 7'6" or more, penthouse floors, interior balconies, and mezzanines, enclosed porches. Floor areas shall not include: Accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than 7'6" (including steps or stah), terraces, breezeways and open spaces.

FRATERNITY, SORORITY, OR STUDENT COOPERATIVE

A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university, or other recognized institution of higher learning, and regulated by such institution.

GARAGE, PRIVATE. A sheltered or enclosed space designed and used for the storage of the motor vehicles or boats of the residents of the premises.

GARAGE, PUBLIC. A building or portion thereof designed and used for the storage, repair or servicing of motor vehicles or boats as a business.

GAS STATION. Any area of land, including the structures thereon, that is used for the retail sale of gasoline or other motor fuels, oils, lubricants and auto accessories and which may or may not including washing, lubricating and other minor servicing but no painting operation.

HOGS, COMMERCIAL. More than one sow, one boar and their one year old litter.
HOME OCCUPATION. An occupation or profession which is customarily incidental to or carried on in a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place.

HOSPITAL. A building designed and used for medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes and clinics are not included.

HOTEL. A building or portion thereof designed or used for the

Continued on page 5

transient rental of five or more units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

JUNK YARD. A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.

KENNEL. More than three dogs and one litter of unweaned pups constitutes a kennel.

LOT. A lot in the meaning of this ordinance is a single tract of land, no matter how legally described, whether by metes and bounds and-or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designed by its owner or developer as the tract to be used, developed or built upon as a unit or land under single ownership or control and assigned to the particular use for which the building permit is being secured.

LOT, CORNER. A lot at the junction of and fronting on two or more intersecting streets.

LOT, DEPTH. The mean dimension of the lot from the front street line to the rear line.

LOT, INTERIOR. A lot fronting on one street.

LOT, THROUGH. A lot fronting on two streets that do not intersect on the parcel's lot lines.

LOT, WIDTH. The dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.

MEAN DEPTH. The mean depth of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.

NON-CONFORMING BUILDING. A building or structure which does not conform in its construction, area, yard requirements or height to the regulations of the zone in which it is located or to the requirements of the Uniform Building Code, of the Pacific Coast Building Officials Conference, which constitutes the Building Code of the City of Kirkland.

NON-CONFORMING BUILDING USE. The use of a building or structure which does not conform to the regulations of the zone in which the use exists.

NON-CONFORMING LAND USE. The use of land which does not conform to the regulations of the district in which the use exists.

PARKING SPACE. An off-street space, normally 10' x 20', used to temporarily park a motor vehicle and having access to a public street or alley.

PERMITTED USE. Any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such zone.

PRIMARY USE (OR PRINCIPAL USE). The use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.

RIDING ACADEMY. Any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

SECONDARY USE. (INCIDENTAL OR ACCESSORY). A minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.

SETBACK. Yard requirements. The distance that buildings or uses must be removed from their lot lines.

SHELTER STATION. A shelter for the protection from the elements of the waiting customers of a public transportation system.

SIGN. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

SOLID PLANTING. A planting of evergreen trees and shrubs which will prevent a through and unobscured penetration of sight or light.

SORORITY. See Fraternity.

STORY. That part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.

STREET. A public thoroughfare which affords the principal means of access to abutting properties.

STRUCTURE. A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences, retaining walls less than 3' in height, rockeries and similar improvements of minor character.

STRUCTURAL ALTERATIONS. Any change in load or stress of the loaded or stressed members of a building or structure.

TRACT. A lot, usually several acres in area.

TRAILER. A vehicle used for living or sleeping purposes.

TRAILER CAMP OR COURT. An area of land occupied or designed for the occupancy of two or more trailers.

YARD. An unoccupied space open to the sky, on the same lot with a building or structure.

YARD, FRONT. An open unoccupied space extending from the principal street line to the nearest point of a roofed building on the lot and including the full width of the lot to its side lines.

YARD, REAR. An open unoccupied space extending from the rear lot line to the nearest point of the roofed main building on the lot and including the full width of the lot to its side lines.

YARD, SIDE. An open unoccupied space extending from the front yard to the rear yard and from the nearest point of the roofed main building to the side lot line.

ZONE. A portion of the City designated on the Kirkland Zoning map as one of sixteen (16) categories listed and described in Section 2.1 of this ordinance for the purpose of promoting the orderly and harmonious development of land compatible with the surrounding areas, and the comprehensive land use plan.

ZONE PRIORITY. In the list of zones in Section 2.1 each zone shall be deemed to be less intensive than the zone preceding it.

CHAPTER 4,

REGULATIONS OF LAND USE ZONES

SECTION 4.1. R-6.0 RESIDENCE ZONE. The minimum lot area in this zone shall be 6,000 sq. ft., except as permitted by Paragraph 5.1.30.

4.1.10 ESSENTIAL USES:

4.1.11 A single family dwelling.

4.1.20 PRIMARY PERMITTED USES:

4.1.21 Churches, Community Clubhouses, Non-commercial Art Gallery, Library or Museum, Schools, Colleges, Parks, provided the site is of sufficient size to permit compliance with the requirements of Paragraph 5.1.40 or 5.1.50 and Section 4.13.

4.1.22 Buildings or developments necessary for the operation of a public utility, provided the installation complies with the requirements of Paragraph 5.2.80 and Section 4.13.

4.1.30 SECONDARY PERMITTED USES:

4.1.31 Playgrounds when developed in connection with a school, college, park or community clubhouse provided there is compliance with the requirements of Paragraph 5.1.40.

4.1.32 Home occupations— as defined in Chapter 3 and subject to the following conditions. (1) That the occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto; (2) That not more than one person outside the family shall be employed in the home occupation; (3) That there shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building and that no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced as a result thereof. In particular a home occupation shall include, but is not limited to, the following: art studio, dressmaking, professional offices of an engineer, architect, or accountant, musical instruction limited to a single pupil at a time. In particular a home occupation shall not include the following: barber shop, beauty parlor, commercial stables or kennels, real estate office, restaurant. The establishment of a home occupation shall require an initial permit granted by the Board of Adjustment, revocable by the Board, upon its finding that there have been violations of the above regulations. The right, granted by the initial permit must be maintained by an annual license from the City of Kirkland.

4.1.33 Rooms may be rented to not more than two persons, other than those occupying a single family dwelling, provided there is compliance with health and building code requirements. The owner of the rooms to be rented must obtain an annual license from the City of Kirkland.

4.1.34 Accessory buildings and structures as defined in Chapter 3, and described in Paragraph 5.1.60 an accessory building shall not exceed 36 sq. ft. in floor area when located on a minimum lot and shall not be closer than 25' to the property line except by mutual recorded agreement of adjacent owners. The keeping of mink, goats, foxes, hogs or other animals or fowls creating a nuisance is prohibited.

4.1.35 There shall be provided and maintained at least one parking space or garage for each of the cars used by the owners or residents of a dwelling unit provided it is on a lot owned by the owner of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space.

4.1.36 Non-Commercial cultivation of plants, trees, and gardens. A compost heap shall not be located closer than 25' to the nearest property line unless annually a waiver from the adjoining affected property owner is recorded with the City Clerk.

4.1.40 SPECIAL PERMITTED USES:

4.1.41 Public transportation shelter stations located on public rights of way provided the City Engineer determines that the location and the structure is safe and will best serve the need for a shelter station in the area. A permit for the shelter must be obtained from the City Engineer.

4.1.50 AREA & DIMENSIONAL REGULATIONS:

4.1.51 Minimum lot area, 6,000 sq. ft.

4.1.52 Minimum lot dimensions 60' in width at the front building line 30' minimum width at the street line. 80' minimum mean depth.

4.1.53 Minimum setback requirements.

A. Front yard: 20'. Buildings on corner lots shall observe the minimum setback on both streets.

B. Side yard: One side yard 5'. The total of the two side yards shall be 10'.

C. Rear yard: 25'. Where a lot abuts an alley the required rear yard space can be measured from the center line of the alley with the consent of the City Engineer.

4.1.54 Maximum land coverage by buildings. (a) Interior lot 35% (b) Corner lot 40%.

4.1.55 Maximum building height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.1.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.1.32 such application shall be granted.

SECTION 4.2 R 8.5 RESIDENCE ZONE. The minimum lot area in this zone shall be 8,500 sq. ft. except as permitted by Paragraph 5.1.30.

4.2.10 ESSENTIAL USE:

4.2.11 A single family dwelling.

4.2.20 PRIMARY PERMITTED USES:

4.2.21 Churches, Community Clubhouses, etc. Same as 4.1.21

4.2.22 Buildings or developments etc. Same as 4.1.22.

4.2.30 SECONDARY PERMITTED USES:

4.2.31 Playgrounds when developed etc. Same as 4.1.31.

4.2.32 Home occupations — as defined etc. Same as 4.1.32.

4.2.33 Rooms may be rented etc. Same as 4.1.33.

4.2.34 Accessory buildings and structures as defined in Chapter 3, and described in Paragraph 5.1.60 an accessory building shall not exceed 36 sq. ft. in floor area when located on a minimum lot, and shall not be closer than 25' to a property line, except by mutual recorded agreement of adjacent owners. The keeping of mink, goats, foxes, hogs or other animals or fowls creating a nuisance is prohibited.

4.2.35 There shall be provided and maintained at least one parking space or garage for each of the cars used by the owners or residents of a dwelling unit provided it is on a lot owned by the owner of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space.

4.2.36 Non-Commercial cultivation etc. Same 4.1.36.

4.2.40 SPECIAL PERMITTED USES:

4.2.41 Public transportation shelter etc. Same as 4.1.41.

4.2.50 AREA & DIMENSIONAL REGULATIONS:

4.2.51 Minimum lot area: 8,500 sq. ft.

4.2.52 Minimum lot dimensions 60' in width at front building line. 30' minimum width at the street line. 100' minimum mean depth.

4.2.53 Minimum setback requirements.

A. B. C. - Same as 4.1.53

4.2.54 Maximum land coverage by buildings. (A) Interior lot: 35%. (B) Corner lot: 40%.

4.2.55 Maximum building height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.2.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

tion with uses permitted by Paragraph 4.2.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.2.32 such application shall be granted.

SECTION 4.3 R-12.5 RESIDENCE ZONE. The minimum lot area in this zone shall be 12,500 sq. ft. except as permitted by Paragraph 5.1.30.

4.3.10 ESSENTIAL USE:

4.3.11 A single family dwelling.

4.3.20 PRIMARY PERMITTED USES:

4.3.21 Churches, Community clubhouses, etc. Same as 4.1.21.

4.3.22 Buildings or developments etc. Same as 4.1.22.

4.3.30 SECONDARY PERMITTED USES:

4.3.31 Playgrounds when developed etc. Same as 4.1.31.

4.3.32 Home occupations — are prohibited.

4.3.33 Rooms may be rented etc. Same as 4.1.33.

4.3.34 Accessory buildings etc. Same as 4.2.34.

4.3.35 There shall be provided and maintained etc. Same as 4.1.35.

4.3.36 Non-Commercial cultivation of plants etc. Same 4.1.36.

4.3.30 SPECIAL PERMITTED USES:

4.3.41 Public transportation shelter etc. Same as 4.1.41.

4.3.50 AREA & DIMENSIONAL REGULATIONS:

4.3.51 Minimum lot area 12,500 sq. ft.

4.3.52 Minimum lot dimensions 80' in width at the front building line. 30' minimum width at street line. 100' minimum mean depth.

4.3.53 Minimum setback requirements.

A. Front yard: 25'. Buildings on corner lots shall observe the minimum setback on both streets.

B. Side yard: One side 10'. The total of the two side yards shall be 20'.

C. Rear yard: 25'. Where a lot abuts an alley the required rear yard space can be measured from the center line of the alley with the consent of the City Engineer.

4.3.54 Maximum land coverage by buildings. (A) Interior lot: 35%. (B) Corner lot: 35%.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.3.32, such application shall be granted.

4.3.55 Same as 4.2.55.

SECTION 4.4 R-18.5 RESIDENCE ZONE.

The minimum lot area in this zone shall be 18,500 sq. ft. except as permitted by Paragraph 5.1.30.

4.4.10 ESSENTIAL USE:

4.4.11 A single family dwelling.

4.4.20 PRIMARY PERMITTED USES:

4.4.21 Churches, Community clubhouses, etc. Same as 4.1.21.

4.4.22 Buildings or developments etc. Same as 4.1.22.

4.4.30 SECONDARY PERMITTED USES:

4.4.31 Playgrounds when developed etc. Same as 4.1.31.

4.4.32 Home occupations— are prohibited.

4.4.33 Rooms may be rented etc. Same as 4.1.33.

4.4.34 Accessory buildings and structures as defined in Chapter 3 and described in Paragraph

ORDINANCE NO. 709
Continued from page 5

5.1.60. An accessory building used for the housing of small animals or fowls shall not exceed 100 sq. ft. in floor area, and neither the building or the fenced area for their roaming shall be closer than 25' to a property line except by mutual recorded agreement of adjacent owners. The keeping of mink, goats, foxes, or hogs is prohibited. Accessory buildings used for the non-commercial housing of horses shall not exceed 200 sq. ft. in stall area and shall be located not less than 25' from the property line, except that by mutual recorded agreement of adjacent owners, barns and paddocks can be arranged as agreed. Roaming areas for horses shall be fenced.

4.4.35 There shall be provided etc. Same as 4.1.35.

4.4.36 Non commercial cultivation etc. Same as 4.1.36.

4.4.37 Private boat moorage facilities which comply with requirements of Paragraph 5.2.70.

4.4.40 SPECIAL PERMITTED USES:

4.4.41 Public transportation shelter etc. Same 4.1.41.

4.4.50 AREA & DIMENSIONAL REGULATIONS:

4.4.51 Minimum lot area 18,500 sq. ft.

4.4.52 Minimum lot dimensions 100' in width at front building line. 30' minimum width at street line. 120' minimum mean depth

4.4.53 Minimum setback requirements.

A. Front yard: 30'. Buildings on corner lots shall observe the minimum setback on both streets.

B. Side yard: One side yard 10'. The total of the two side yards shall be 20'.

C. Rear yard: 25'. Where a lot abuts an alley the required rear yard space can be measured from the center line of the alley with the consent of the City Engineer.

4.4.54 Maximum land coverage by buildings. (A) Interior lot 35%. Corner lot 35%.

4.4.55 Maximum building height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.4.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.4.32 such application shall be granted.

SECTION 4.5 S-1A RESIDENCE ZONE. The minimum lot area in this zone shall be one acre, except as permitted by Paragraph 5.1.30.

4.5.10 ESSENTIAL USE:

4.5.11 A single family dwelling.

4.5.20 PRIMARY PERMITTED USES:

4.5.21 Agriculture -- the raising of crops and animals except mink, fox, goats hogs and pigs, on the land in conformity with the State and County laws.

4.5.22 Churches, Community clubhouses, etc. Same as 4.1.21.

4.5.23 Buildings or developments etc. Same as 4.1.22.

4.5.30 SECONDARY PERMITTED USES:

4.5.31 Playgrounds when developed, etc. Same as 4.1.31.

4.5.32 Home occupations-- as defined in Chapter 3 and subject to the following conditions: (1) That the occupation or profession shall be carried on wholly with-

in the principal building or within a building or other structure accessory thereto, except agricultural occupations; (2) That not more than one person outside the family shall be employed in the home occupation, except that in agricultural occupations a maximum of 5 persons may be employed; (3) That there shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building and that no offensive noise, vibration, smoke, dust odors, heat, or glare shall be produced as a result thereof. In particular a home occupation shall include but is not limited to the following: art studio, dressmaking, professional offices of a dentist, lawyer, physician, engineer, architect or accountant, musical instruction limited to a single pupil at a time. In particular a home occupation shall not include the following: barber shop, beauty parlor, commercial stables or kennels, real estate office, restaurant. The establishment of a home occupation shall require an initial permit granted by the Board of Adjustment, revocable by the Board, upon its finding that there have been violations of the above regulations. The right granted by the initial permit must be maintained by an annual license from the City of Kirkland.

4.5.33 Rooms may be rented etc. Same as 4.1.33.

4.5.34 Accessory buildings and structures as defined in Chapter 3, and described in Paragraph 5.1.60. Animal and implement

barns, silos, sheds and similar buildings needed in agricultural developments. Buildings housing small animals or fowl such as rabbits or chickens and the fencing for them shall not be built or moved closer than 25' to a property line, except by mutual recorded agreement of adjacent owners. Buildings housing stock, such as horses or cows, shall not be built or moved closer than 25' to the property line, except by mutual recorded agreement of adjacent owners. Roaming areas for all animals or fowl shall be fenced.

4.5.35 There shall be provided and maintained at least one parking space or garage for each of the cars or trucks used by the owners or residents of a dwelling unit erected on a lot, or within 100' of such dwelling unit provided it is on a lot owned by owner of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space.

4.5.36 Approved private utilities, that commits no sound or odor nuisance, may be installed on the property.

4.5.40 SPECIAL PERMITTED USES:

4.5.41 Public transportation shelters, etc. Same as 4.1.41.

4.5.50 AREA & DIMENSIONAL REGULATIONS:

4.5.51 Minimum lot area: 1 acre. On properties of 2 acres or more single family dwellings so located on the property that if sold the new owner will have access to a public right of way or private lane and the land use will conform to the requirements of the surrounding zone classification. The private lane shall be at least 20' wide and shall be an easement permitting public access and the installation of all utilities and services.

4.5.52 Minimum lot dimensions 100' in width at the front building line. 30' minimum width at the street line. 150' minimum mean depth.

4.5.53 Minimum setback requirements.

A. Front yard: 35'. Buildings on corner lots shall observe the minimum setback on both streets

B. Side yard: One side yard 10'. The total of the two side yards shall be 20'.

C. Rear yard: 25'.

4.5.54 Maximum building

height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.4.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.5.32 such application shall be granted.

SECTION 4.6 S-A RESIDENCE & AGRICULTURAL ZONE.

Land within this zone is un-subdivided acreage of large holdings, semi-rural in character, partially cultivated, with a minimum of public streets and public water distribution system, without the present necessity for storm or sanitary sewers, or sewage treatment plant; therefore, the regulations of the zone are the minimum standards for this land at this stage of its development.

4.6.10 ESSENTIAL USES:

4.6.11 A single family dwelling.

4.6.12 Agricultural -- the raising of crops and animals, except hogs, foxes, mink and goats on the land in conformity with State Law and City Health ordinances.

4.6.20 PRIMARY PERMITTED USES:

4.6.21 Churches, Community Clubhouses, etc. Same as 4.1.21.

4.6.22 Buildings or developments, etc. Same as 4.1.22.

4.6.30 SECONDARY PERMITTED USES:

4.6.31 Playgrounds when developed etc. Same as 4.1.31.

4.6.32 Home occupations-- as defined, etc. Same as 4.5.32.

4.6.33 Rooms may be rented etc Same as 4.1.33.

4.6.34 Accessory buildings and structures as defined in Chapter 3, and described in Paragraph 5.1.60. Animal and implement

barns, silos, sheds and similar buildings needed in agricultural activities. Animal roaming areas shall be fenced.

4.6.35 There shall be provided etc. Same as 4.5.35.

4.6.36 Power equipment for the private utilities on the property.

4.6.40 SPECIAL PERMITTED USES:

4.6.41 Public transportation shelters etc. Same as 4.1.41.

4.6.50 AREA & DIMENSIONAL REGULATIONS:

4.6.51 Minimum lot area: The minimum lot in this zone shall be 20,000 sq. ft., except as permitted by Paragraph 5.1.30 and SECTION 4.6. Single family dwellings shall be so located on property that a new owner will have access to a public right of way or private lane and the land use will conform to the requirements of the surrounding zone classification. The private lane shall be at least 20' wide and shall be an easement permitting public access and the installations of all utilities and services.

4.6.52 Minimum lot dimensions: 100' in width at the front building line. 30' minimum width at the street line. 200' minimum mean depth.

4.6.53 Minimum setback requirements.

A. Front yard: 35'. Buildings on corner lots shall observe the minimum setback on both streets

B. Side yard: One side yard 10'. The total of the two side yards shall be 20'.

C. Rear yard: 25'.

4.6.54 Maximum building

height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.4.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.6.32 such application shall be granted.

SECTION 4.7 R 2 TWO-FAMILY RESIDENCE ZONE. The minimum lot area in this zone shall be 6,000 sq. ft., except as permitted by Paragraph 5.1.30.

4.7.10 ESSENTIAL USES:

4.7.11 A single family dwelling, subject to the regulations of Section 4.1.

4.7.12 A two family dwelling. Units shall be separated by a one-hour fire wall. The owner of the rental unit must obtain an annual license from the City of Kirkland.

4.7.20 PRIMARY PERMITTED USES:

4.7.21 Churches, schools, colleges, community clubhouses, non commercial art galleries, libraries, museums, memorial buildings or parks; clubs or fraternal societies except those the chief activity of which is a service customarily conducted as a business; provided the site is of sufficient size to permit compliance with the requirements of Paragraphs 5.1.40 or 5.1.50 and Section 4.13.

4.7.22 Buildings or development etc. Same 4.1.22.

4.7.30 SECONDARY PERMITTED USES:

4.7.31 Playgrounds when developed etc. Same as 4.1.31.

4.7.32 Home, occupations-- as defined etc. Same as 4.1.32.

4.7.33 A boarding and rooming house accommodation not more than four roomers and/or boarders other than the family occupying one of the single family dwelling units if health and Building Code requirements can be complied with. The owner of the rooms to be rented must obtain an annual license from the City of Kirkland.

4.7.34 Accessory buildings and structures as defined in Chapter 3, and described in Paragraph 5.1.60 but none housing small animals or fowl.

4.7.35 There shall be provided etc. Same as 4.1.35.

4.7.36 Non-commercial cultivation etc. Same as 4.1.36.

4.7.40 SPECIAL PERMITTED USES:

4.7.41 Public transportation shelter etc. Same as 4.1.41.

4.7.50 AREA & DIMENSIONAL REGULATIONS:

4.7.51 Minimum lot area: 6,000 sq. ft.

4.7.52 Minimum lot dimensions 50' in width at the front building line. 30' minimum at the street line. 100' minimum mean depth.

4.7.53 Minimum setback requirements.

A. B. C. Same as 4.1.53.

4.7.54 Maximum land coverage by buildings (A) Interior lot 40%. (B) Corner lot 50%.

4.7.55 Maximum building height: Two stories, but not more than 30'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.1.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the board finds the intended use is a permitted use and complies with the requirements of 4.1.32 such application shall be granted.

SECTION 4.8 R 3 MULTIFAMILY ZONE. The minimum lot area in this zone shall be 7,200 sq. ft., except as permitted by Paragraph 5.1.30.

4.8.10 ESSENTIAL USES:

4.8.11 A single family dwelling, subject to the regulations of Section 4.1.

4.8.12 A two-family dwelling, subject to the regulations of Section 4.7.

4.8.13 A multifamily dwelling. Multifamily apartment buildings with land areas as required by schedule in 4.8.51, or hotels with no kitchen facilities in the units with a land area requirement of 500 sq. ft. per hotel room in addition to the land areas covered by any public rooms or service space. Buildings over one story in height shall comply with the requirements of Fire Zone No. 2 as set forth in the 1952 Uniform Building Code and units shall be separated by a one hour fire wall. Any shops, dining facilities or similar services and the access to them shall be within the building. No show windows or advertising displays oriented to public streets. Parking areas and service yards for deliveries must be sight screened from the adjoining residences. The owner of the rental units must obtain an annual license from the City of Kirkland.

4.8.20 PRIMARY PERMITTED USES

4.8.21 Churches, schools, colleges, hospitals, community clubhouses, non-commercial art galleries, libraries, museums, memorial buildings, or parks; clubs or fraternal societies except those the chief activity of which

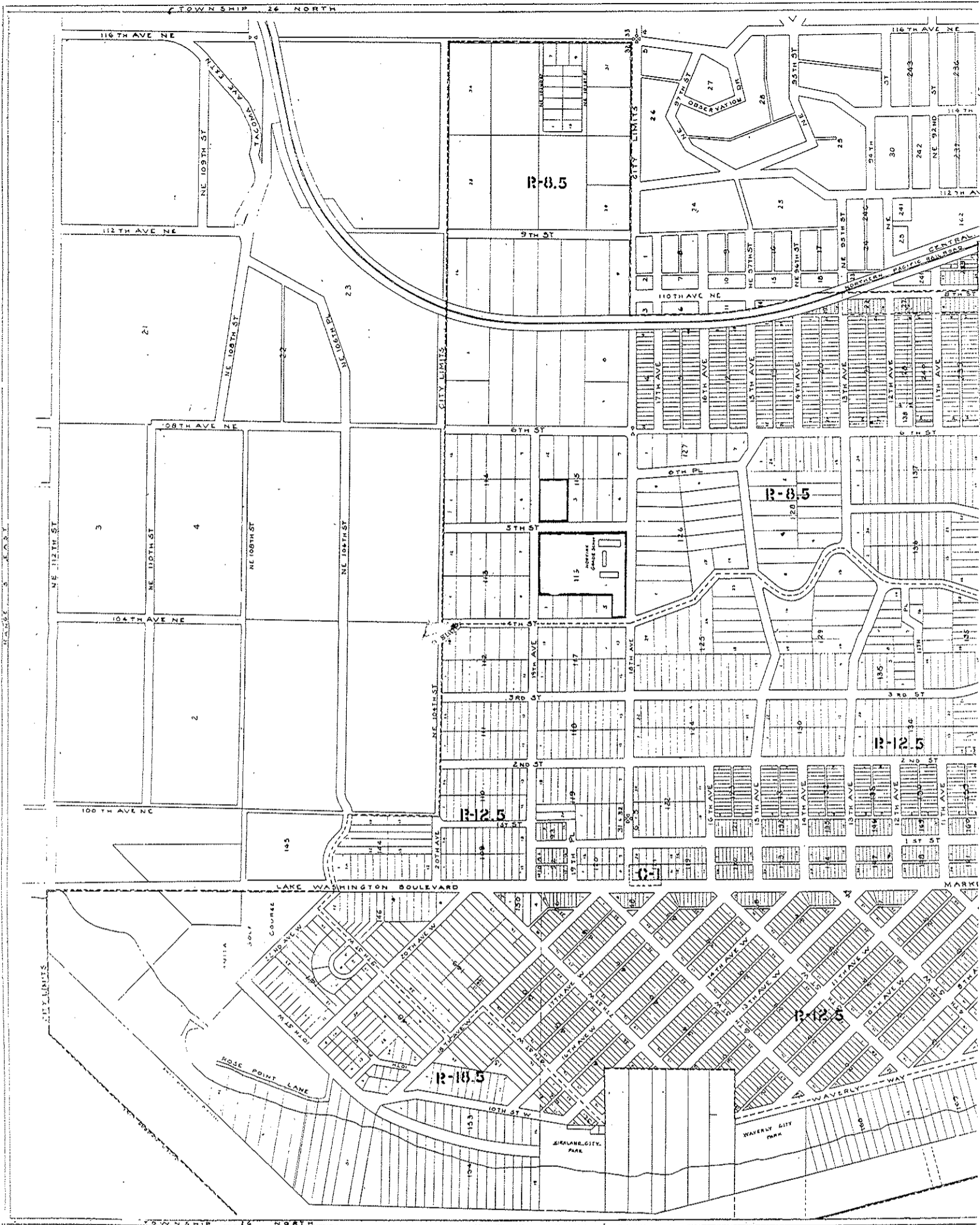
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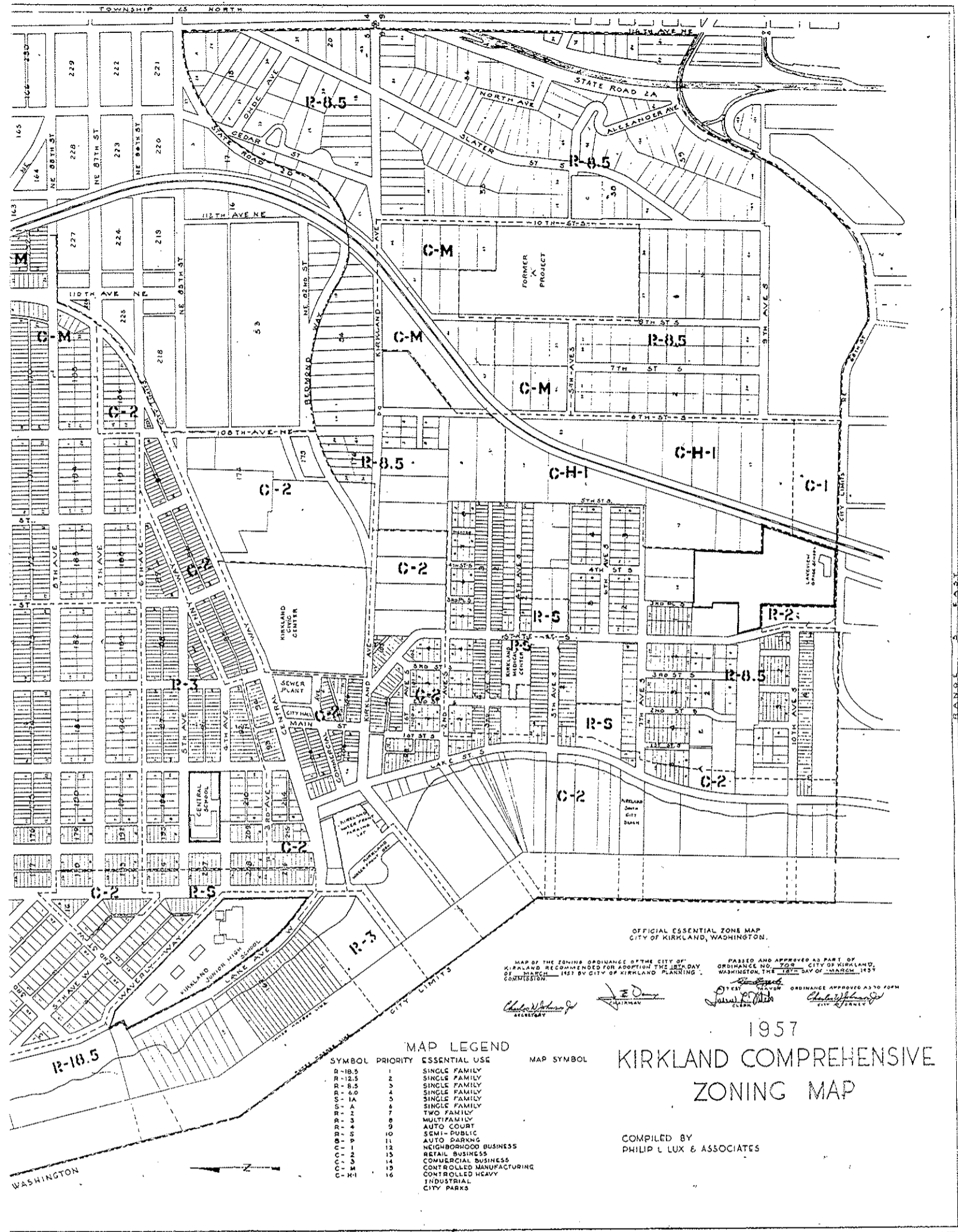
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KIRKLAND

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OFFICIAL ESSENTIAL ZONE MAP
CITY OF KIRKLAND, WASHINGTON.

MAP OF THE ORDINANCE OF THE CITY OF KIRKLAND, RECOMMENDED FOR ADOPTION THE 18TH DAY OF MARCH, 1957 BY CITY OF KIRKLAND PLANNING COMMISSION.

PASSED AND APPROVED AS PART OF ORDINANCE NO. 709 CITY OF KIRKLAND, WASHINGTON, THE 18TH DAY OF MARCH, 1957.

ORDINANCE APPROVED AS TO FORM

Charles J. Nelson
SECRETARY

J. E. D.
CITY MANAGER

John J. Smith
CITY CLERK

Charles J. Nelson
CITY COUNCIL

1957 KIRKLAND COMPREHENSIVE ZONING MAP

COMPILED BY
PHILIP L LUX & ASSOCIATES

SYMBOL	PRIORITY	ESSENTIAL USE	MAP SYMBOL
R-18.5	1	SINGLE FAMILY	
R-12.5	2	SINGLE FAMILY	
R-8.5	3	SINGLE FAMILY	
R-6.0	4	SINGLE FAMILY	
S-1A	5	SINGLE FAMILY	
S-A	6	SINGLE FAMILY	
R-2	7	TWO FAMILY	
R-3	8	MULTIFAMILY	
R-4	9	AUTO COURT	
R-9	10	SEMI-PUBLIC	
C-1	11	AUTO PARKING	
C-2	12	NEIGHBORHOOD BUSINESS	
C-3	13	RETAIL BUSINESS	
C-M	14	COMMERCIAL BUSINESS	
C-M	15	CONTROLLED MANUFACTURING	
C-M	16	INDUSTRIAL HEAVY	
C-M	16	INDUSTRIAL	
C-M	16	CITY PARKS	



The Kirkland Chronicle

Second Section

ORDINANCE NO. 709
Continued from page 8

is a service customarily conducted as a business; sanitoriums, institutions of philanthropic and eleemosynary uses but not those of a corrective nature; provided the site is of sufficient size to permit compliance with the requirements of Paragraph 5.1.40 or 5.1.50 and Section 4.13.

4.8.22 Buildings or developments etc. Same as 4.1.22.

4.8.23 Municipal buildings, police stations, fire stations.

4.8.24 Public transportation system terminals. Such terminals shall be completely sight screened from any adjoining residences by solid planting.

4.8.25 Private, semi-private and public moorage and docking facilities in the waterfront areas of the R-3 zone, subject to compliance with the regulation of Paragraph 5.2.70.

4.8.3 SECONDARY PERMITTED USES:

4.8.31 Playgrounds when developed in connection with a school, college, park, community clubhouse, fraternal society, sanitorium or other institution, provided there is compliance with requirements of Paragraph 5.1.50.

4.8.32 Home occupations — as defined etc. Same as 4.1.32.

4.8.33 A boarding and rooming house etc. Same as 4.7.33.

4.8.34 Accessory buildings and structures etc. Same as 4.7.34.

4.8.35 There shall be provided and maintained at least one parking space or garage for each of the cars used by the owners or residents of a dwelling unit erected on a lot, or within 100' of such dwelling unit provided it is on a lot owned by the owners of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space. For multifamily dwellings there shall be provided one parking space or garage for each dwelling unit in the building and these spaces shall be located on the building lot and shall be zoned B-P. (See requirements in section 4.13.)

4.8.36 Non-commercial cultivation etc. Same as 4.1.36.

4.8.40 SPECIAL PERMITTED USES:

4.8.41 Public transportation shelters etc. Same as 4.1.41.

4.8.50 AREA & DIMENSIONAL REGULATIONS:

4.8.51 Minimum lot area: 7,200 sq. ft. For multifamily dwelling the required land area shall be as follows: Initial minimum lot size for three family unit of any size: 7,200 sq. ft. for each additional unit over three add:
Living room and bath apt. 500 sq. ft. /unit.
Living room, kitchen and bath apt. 1,000 sq. ft. /unit.
Living room, kitchen and bath and 1 br. apt. 1,500 sq. ft. /unit.
Living room, kitchen and bath and 2 br. apt. 2,000 sq. ft. /unit.
Living room, kitchen and bath and 3 br. or more apt. 2,500 sq. ft. /unit

4.8.52 Minimum lot dimensions: 70' in width at the front building line. 30' minimum width at the street line. 100' minimum mean depth.

4.8.53 Minimum setback requirements.

A.B.C. Same as 4.1.53.

4.8.54 Maximum land coverage by buildings. (A) Interior lot: 60%. (B) Corner lot: 70%.

4.8.55 Maximum building height: Four stories, but not more than 40'.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.8.20 and Sub-paragraph 4.8.35 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the board of adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.8.32 such application shall be granted.

SECTION 4.9 R-4 AUTO COURT ZONE. The minimum lot or tract area for auto court developments in this zone shall be one acre.

4.9.10 ESSENTIAL USES:

4.9.11 A single family dwelling, subject to the regulations of Section 4.1.

4.9.12 Auto courts or motels specifically designed to house transient auto travelers and their automobiles. If the units are grouped or are in one building, abutting units shall have separation walls of one-hour construction, as defined by the Uniform Building Code, from the ground to the roof finish and through the exterior sheathing of the walls. These separation walls shall be designed to retard sound conduction. The wall and ceiling of carports or garages connected to dwelling units shall be of one-hour construction and shall have no openings directly into the dwelling unit. Meals, foods, soft drinks, tobaccos, magazines, newspapers, and similar items may be provided primarily for the convenience of the tourists accommodated in the motel but no such facility shall be oriented to the adjacent city streets. Any shops, dining facilities or similar services and the access to them shall be oriented to the interior of the site. No show windows or advertising devices shall be oriented to adjacent city streets. Parking areas and service yards for deliveries must be sight screened from adjoining properties. Gas stations are prohibited. Each dwelling unit shall have its own toilet and bath facilities. The kitchen facilities and equipment in a dwelling unit shall be only the minimum required by transient guests. The motel accommodations shall comply with the requirements of the State Health Department. Each motel development shall provide and maintain a 30' wide solid planting of evergreen trees and shrubs on any boundary facing a single family residential zone. An illuminated advertising device oriented to traffic on the adjacent state highway is permitted on the motel site. The owner of the auto court must obtain an annual license from the City of Kirkland.

4.9.20 PRIMARY PERMITTED USES:

4.9.21 Buildings of developments etc. Same as 4.1.22.

4.9.22 Public transportation system terminals. Such terminals shall be completely sight screened from any adjoining residences by solid planting. A terminal development shall provide and maintain a 30' wide solid planting of evergreen trees and shrubs on any boundary facing a single family residential zone.

4.9.23 Municipal buildings, police stations, fire stations.

4.9.30 SECONDARY PERMITTED USES:

4.9.31 Home occupations—

defined etc. Same as 4.1.32.

4.9.32 Rooms may be rented etc. Same as 4.1.33.

4.9.33 Accessory buildings and structures for a single family dwelling as permitted by 4.1.34; for an auto court as permitted by 5.1.60. Only domestic pets—all others prohibited.

4.9.34 There shall be provided and maintained at least one parking space or garage for each of the cars used by the owners or residents of a dwelling unit erected on a lot, or within 100' of such dwelling unit provided it is on a lot owned by the owner of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space. For auto court developments there shall be provided one parking space and one garage or two parking spaces for each dwelling unit in the development and these spaces shall be located on the building lot. Any mass parking area shall be zoned B-P. (See requirements in Section 4.13.)

4.9.40 SPECIAL PERMITTED USES:

4.9.41 Public transportation shelter etc.—Same as 4.1.41.

4.9.50 AREA & DIMENSIONAL REGULATIONS.

4.9.51 Minimum lot area for a single family residence: 6,000 Sq. Ft. For an auto court; 1 acre. The minimum land area required for each dwelling unit in an auto court shall be 1,200 Sq. Ft.

4.9.52 Minimum lot dimensions: 70' in width at the front building line for single family residences; 150' for auto courts. 30' minimum width at the street line. 100' minimum mean depth for single family residences; 150' for auto courts.

4.9.53 Minimum setback requirements.

A. Front yard: 30'. Buildings on corner lots shall observe the minimum setback on both streets.

B. Side yard: For buildings other than single family residences—on side yard 30' and the total of the two side yards 60' when adjacent to single family residence properties.

C. Rear yard: 30'. Where a lot abuts an alley the required rear yard space can be measured from the center line of the alley.

4.9.54 HEIGHT OF BUILDINGS and LOT COVERAGE:

The gross FLOOR AREA of any non-residential STRUCTURE, not including floor area used for parking, shall not exceed two and one-half times the area of the LOT.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.9.20 and Sub-Paragraph 4.9.34 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.9.31 such application shall be granted.

SECTION 4.10. R-S SEMI-PUBLIC ZONE. The minimum lot area for residential uses in this zone shall be 8,500 Sq. Ft.

4.10.10 ESSENTIAL USES:

4.10.11 A single family dwelling, subject to the regulations of Section 4.1.

4.10.12 A two-family dwelling, subject to the regulations of

Section 4.7.

4.10.13 A multifamily dwelling subject to the regulations of Section 4.8.

4.10.14 Professional office buildings for doctors, architects, lawyers or engineers or offices of a similar nature, provided the buildings conform in character with developments on surrounding properties. Parking areas and service yards must be sight screened from adjoining residential properties.

4.10.15 Churches, clubs or fraternal societies, memorial buildings, community clubhouses, art galleries, libraries, museums, or the expansion of existing public schools. The parking areas and service yards must be sight screened from adjoining residences in compliance with the requirements of Paragraphs 5.1.40 or 4.1.50 and Section 4.13.

4.10.16 Municipal buildings, police stations, fire stations.

4.10.17 Office buildings to accommodate, as essential users: Scientific operations concerned with research or laboratory experiment or testing which require no heavy equipment or machines or the production or processing of quantities of materials. Executive, administrative, clerical, professional or scientific staffs of business or professional concerns whose other operations such as warehousing, distribution, retail sales, manufacturing, storage, processing, etc., are conducted elsewhere.

4.10.19 Other uses which can be shown to be similar in character to the above uses, such as, but not limited to, nursing homes and other institutions of health and charity.

4.10.20 PRIMARY PERMITTED USES:

4.10.21 Buildings or developments etc. Same as 4.1.22.

4.10.22 Public transportation system terminals. Such terminals shall be completely sight screened from any adjoining residences by solid planting.

4.10.23 Undertaking establishments provided the off-street parking area is so arranged that a funeral procession of 20 cars can be accommodated in procession formation within the parking area. Parking areas and service yards must be sight screened from adjoining residential properties.

4.10.30 SECONDARY PERMITTED USES:

4.10.31 Playgrounds when developed etc. Same as 4.1.31.

4.10.32 Accessory buildings and structures as defined in Chapter 3 and described in Paragraph 5.1.60 but none housing small animals or fowls.

4.10.33 Home occupations—as defined etc. Same as 4.1.32.

4.10.34 There shall be provided and maintained at least one parking space or garage for each of the cars used by the owners or residents of a dwelling unit erected on a lot, or within 100' of such dwelling unit provided it is on a lot owned by the owner of the dwelling. Such parking space need not be separately zoned. The driveway in the front yard may be used as only one parking space. For multifamily dwellings there shall be provided one parking space or garage for each dwelling unit in the building and these spaces shall be located on the building lot and shall be zoned B-P. Where a property zoned R-S abuts a property zoned C-2 and both properties are of one ownership the R-S property may be used as a parking area in connection with the C-2 use and zoned B-P provided an effective solid screen planting of evergreen trees and evergreen shrubs is installed and maintained for a depth of 20' on any boundary facing an R zone, except at street intersections where sight obstruction regulations must be observed.

The Kirkland Chronicle page 9
Wednesday, June 12, 1957

4.10.40 SPECIAL PERMITTED USES:

4.10.41 Public transportation shelter etc. Same as 4.1.41.

4.10.50 AREA & DIMENSIONAL REGULATIONS:

4.10.51 Minimum lot area: For residence use as required by 4.10.11, 4.10.12, or 4.10.13.

4.10.52 Minimum lot dimensions. For residence use as required by 4.10.11, 4.10.12, or 4.10.13.

4.10.53 Minimum setback requirement: For residence use as required by 4.10.11, 4.10.12, or 4.10.13. For all other uses:

A. Front yard: 30'. Buildings on a corner lot shall observe the minimum setback on both streets.

B. Side yard: 20' each side.

C. Rear yard: 25'. Where a lot abuts an alley the required rear yard space can be measured from the center line of the alley.

4.10.54 HEIGHT OF BUILDINGS and LOT COVERAGE:

The gross FLOOR AREA of any non-residential STRUCTURE, not including floor area used for parking, shall not exceed two and one-half times the area of the LOT.

4.10.55 Areas for off street auto parking shall be provided

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.10.12 and Sub-paragraph 4.10.13, 4.10.14, 4.10.15 and 4.10.16 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

An application for a permit for a home occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board finds the intended use is a permitted use and complies with the requirements of 4.10.14 and 4.10.33 such application shall be granted.

SECTION 4.11 C-1 NEIGHBORHOOD RETAIL BUSINESS ZONE.

4.11.10 ESSENTIAL USE.

4.11.11 A local neighborhood shopping center. The initial nucleus of such a neighborhood development shall include a minimum of four of the following primary permitted uses designated as a group

4.11.20 PRIMARY PERMITTED USES:

4.11.21 Retail stores and personal service shops.

4.11.22 Professional and business offices, studios, and other like enterprises and the accessory uses incidental thereto.

4.11.23 Gasoline service stations, except that no open space in this zone may be used for storage, display or sale of used vehicles or equipment.

4.11.24 Buildings or developments necessary for the operation of a public utility, provided the installation complies with the requirements of 5.2.80.

4.11.30 SECONDARY PERMITTED USES:

4.11.31 Automobile parking area as required by section 4.13.

Continued on page 10

ORDINANCE NO. 709
Continued from page 9

The required parking areas shall be zoned B-P.

4.11.40 SPECIAL PERMITTED USES:

4.11.41 Public transportation shelter etc. Same as 4.1.41.

4.11.50 ZONE REGULATIONS

4.11.51 C-1 PERIMETER REQUIREMENTS. The perimeter of a C-1 zone shall be landscaped to a depth of 12' from the property line and maintained as a sight screen in the following manner:

A. Street frontage: Street frontage, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or a combination of lawn, evergreen or deciduous shrubs and trees, and perennials or annual flowers, to create and maintain a maximum residential character. Such shrubs shall not be permitted to grow beyond a height of 36" above the crown of the adjacent street nor shall the foliage of trees located therein be permitted to obstruct the view between the C-1 zone and the street within the area within 36" and 96" above the street level.

No tree or sight screening shrub shall be located or permitted to grow so as to obstruct the view of a walk or driveway crossing. Any area in which the banks or groups of shrubs, perennial or annual flowers do not occupy 40% of such area shall be planted in lawn.

B. Side Lines of Property: The portions of the perimeter not landscaped, as provided in Paragraph A above, shall be sight screened from adjoining residence zones by a solid planting of evergreen trees and evergreen shrubs. The initial minimum height of trees forming a part of such screen shall be 12' and they shall not be allowed to reach a height in excess of the height of the buildings located within such C-1 zone. Such trees shall be spaced on the perimeter of the sight with a maximum distance of 25' center to center. The shrubs used in perimeter screen shall be so located that there will be a minimum of two shrubs in depth in said screen. The planting bed in which the screening shrubs and tree are located shall be no less than 12' in depth. The minimum initial height of shrubs which are a part of the side line screens shall be 3' and the maximum height thereof at maturity shall be limited to 6'.

C. Sight Areas at Intersections: Whenever such perimeter screen is required on property bounded on two sides by intersecting streets, the sizes and location of shrubs falling within the sight areas, shall conform to height standards of Paragraph 5.2.50.

D. Maintenance. Shrubs and trees in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced immediately and the planting areas shall be maintained reasonably free of weeds and trash in the standard maintained within the adjacent neighborhood.

E. Plot Plan. The plot plan of the proposed landscaping and screening shall be submitted to the Building Inspector before permits for buildings are granted within such C-1 zone.

4.11.52 Automobile access to a C-1 zone from a major arterial shall be at only one location and the traffic circulation and ingress and egress from the adjoining streets must be approved by the City Engineer.

Paragraph 4.11.60 AREA & DIMENSIONAL REGULATIONS.

4.11.61 Minimum setback requirements.

A. Front yard: 30'. Buildings on corner lots shall observe the minimum setback on both streets.

B. Side yard: 30' each side.
C. Rear yard: 30'.

4.11.62 HEIGHT OF BUILDINGS AND LOT COVERAGE.

The gross FLOOR AREA of any non-residential STRUCTURE not including floor area used for parking, shall not exceed two and one-half times the area of the lot.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.11.2 and 4.11.3 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

SECTION 4.12 C-2 RETAIL BUSINESS ZONE.

4.12.10 ESSENTIAL USES:

4.12.11 Retail stores and personal service shops. Studios. Shops for customer work or the making of custom articles not involving noise, odor or chemical waste.

4.12.12 Office and hotel buildings. Newspaper offices and print works. Retail building material housed in a building. Retail upholstery shops provided the use creates no fire hazard greater than is normal to the uses permitted in the C-2 zone. Laundry, cleaning and pressing agencies, or a self-service laundry.

4.12.13 Restaurants, taverns, cocktail bars, cabarets.

4.12.14 Automobile service stations, including minor maintenance and repair service. New car automobile sales and display room buildings and the repair and servicing accessory to the business, used car sales accessory to the primary new car agency when housed in a building or an open lot not to exceed in area two times the area of the agency building and contiguous to the new car agency. The used car area shall be other than the required B-P area.

4.12.15 Enclosed food stores. Buildings for the rental of frozen food lockers.

4.12.20 PRIMARY PERMITTED USES:

4.12.21 Enclosed theaters, Bowling alleys. Ice or roller skating rinks.

4.12.22 Clinics; hospitals of not more than 10 bed capacity. A veterinary clinic designed for the treatment and care of pet animals, such as cats and dogs, provided there is compliance with Paragraph 5.2.93.

4.12.23 Open air sales areas for trees, shrubs, plants and home gardening equipment. The use area of the site shall conform to setbacks required for buildings on street frontage.

4.12.24 Art galleries, libraries, museums, clubs or fraternal societies, memorial buildings.

4.12.25 Municipal buildings, Police stations, fire stations.

4.12.26 Public parks.

4.12.27 Buildings or developments necessary for the operation of a public utility provided the installation complies with the requirements of Paragraph 5.2.8.

4.12.28 Automobile parking lots or buildings.

4.12.30 SECONDARY PERMITTED USES:

4.12.31 The non-commercial development of landscaping for the purpose of beautifying private property and the City.

4.12.40 SPECIAL PERMITTED USES:

4.12.41 Public transportation shelter etc. Same as 4.1.41.

4.12.50 AREA & DIMENSIONAL REGULATIONS:

4.12.51 Minimum setback requirements.

A. Front yard: 15'. Buildings on corner lots shall observe the minimum setback on both streets. Except that in existing developed areas, new construction may be permitted to conform to adjacent structures.

4.12.52 HEIGHT OF BUILDING AND LOT COVERAGE:

The gross floor area of any

non-residential structure, not including floor area used for parking, shall not exceed two and one-half times the area of the lot.

4.12.53 Areas for off street auto parking shall be provided as required in Section 4.13.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraphs 4.12.10 and 4.12.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

SECTION 4.13 B-P AUTO PARKING ZONE.

4.13.10 ESSENTIAL USE:

4.13.11 Off-street automobile parking. The use of a building or structure, for which B-P zoning of property has been granted as required for the use, shall be dependent on the existence of such B-P zoning for its continued operation. If the required B-P zoning ceases to exist in connection with the use for which it was granted, and no equivalent B-P zoning is provided in connection with the use, the occupancy and use of the building or structure becomes illegal and the occupancy permit is void. For a new building or structure, or for the enlargement or increase in size of any existing building or structure, except one or two family dwellings, there shall be established and maintained a permanent B-P zoned off-street parking area within one thousand (1,000) feet of the front entrance thereof. The capacity of such parking area shall be as follows, for the following uses:

LAND USE — NUMBER OF PARKING SPACES:

Apartment Houses and Garden Courts — 1 for each dwelling unit.

Auto Courts — 2 for each dwelling unit.

Churches, Mortuaries, Funeral Homes — 1 for each 5 seats in the chapel or nave.

Banks, Business and Professional Offices — 1 for each 200 square feet of gross floor area of the building.

Boat Moorage, Public or Semi-private Pleasure — 1 for each 1 boat moorage slip.

Bowling Alleys — 5 for each alley.

Dance Halls, Places of Assembly, Exhibition Halls without fixed seats — 1 for each 75 sq. ft. of gross floor area of the building.

Drive-in Restaurants, Ice Cream or Soft Drink Refreshment establishments, or similar drive-in uses which service automobile customers outside the building — 1 for each 15 sq. ft. of gross floor area.

Food Stores, Markets, and Shopping Centers: having not more than 2,000 sq. ft. of gross floor area, exclusive of basement — 1 for each 400 sq. ft. of gross floor area of the building.

Having more than 2,000 sq. ft. but not more than 5,000 sq. ft. of gross floor area exclusive of basement — 1 for each 300 sq. ft. of gross floor space area of the building.

Having more than 5,000 sq. ft. of gross floor area, exclusive of basement — 1 for each 200 sq. ft. of gross floor of the building.

Fraternity or Sorority or Cooperative Houses — 1 for each three occupants.

Hotels — 1 for each room or suite.

Hospitals, Sanitariums, Convalescent Homes, Nursing Homes and Rest Homes — 1 for each five regular beds plus one for each regular employee.

Manufacturing uses including research and testing laboratories, Creameries, Soft Drink Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops 1 for each 2 employees, with a minimum of 2 spaces.

Medical and Dental Clinics — 1 for each 200 sq. ft. of gross floor area of the building.

Outdoor Sports Areas or Parks without fixed seats — Subject to review by Planning Commission.

Other retail establishments, such as Furniture, Appliance, Hardware Stores, Household

Equipment Service Shops, Clothing or Shoe Repair or Service Shops — 1 for each 400 sq. ft. of gross floor area of the building providing that each must have at least 4 parking spaces.

Restaurants, Taverns, and any establishment for the sale and consumption within a building of food, alcoholic beverages, or refreshments — 1 for each 100 sq. ft. of gross floor area of the building.

Restaurants, Ice Cream or Soft Drink, Refreshment Establishments, or similar uses which service auto-borne customers both within the building and outside the building — 1 for each 60 sq. ft. of gross floor area.

Rooming and Lodging Houses — 1 for each two occupants.

Skating Rinks and other commercial recreation places — 1 for each 100 sq. ft. of gross floor area of the building.

Stadiums, Sports Arenas, Auditoriums, and other places of assembly with fixed seats — 1 for each 4 seats.

Theaters — 1 for each 4 fixed theater seats, subject to review by Planning Commission.

Wholesale stores, Warehouses, and Storage Buildings, Motor Vehicle or Machinery Sales — 1 for each two employees, with a minimum of two spaces.

4.13.20 UNSPECIFIED USES:

In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above mentioned use, which in the opinion of the Planning Commission shall be deemed most similar.

4.13.30 MIXED OCCUPANCIES:

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for cooperative use.

4.13.40 COOPERATIVE PROVISION:

Nothing of this section shall be construed to prevent cooperative provision of off-street parking facilities for two or more buildings or uses, provided that where the total combined parking area is less than 10,000 sq. ft. the total of such off-street parking spaces supplied cooperatively shall not be less than the sum of the requirements for the various uses computed separately. Where adjoining parking facilities of 2 or more ownerships can be developed, and designed as one facility, and where efficiency of parking and circulation and economy of space will result from joint development, and where the total parking area involved is 10,000 sq. ft. or greater, a reduction of 10% of the total combined required parking shall be permitted. None of the above provisions shall prevent the overlapping cooperative use of parking facilities when the times during which such facilities are used are not conflicting.

4.13.50 LOADING SPACE REQUIREMENTS:

An off street loading space having access to a public thoroughfare, shall be required adjacent to each business building, hereafter erected or enlarged, if the use of such building entails deliveries to it or shipments from it, and such loading space shall be of adequate size for accommodating the maximum number and size of vehicles simultaneously loaded or unloaded, in connection with the business conducted in such building. No part of the truck or van using the loading space may project into the public thoroughfare.

4.13.60 PLANS:

The party developing a B-P area shall submit a plan of the parking area showing adjacent streets proposed circulation of traffic proposed drainage, proposed artificial lighting, proposed land-

scaping, fencing or screen planting to the Planning Commission for its recommendations, and approval.

4.13.70 BUILDING PERMITS:

Before the granting of a building permit for any new building or structure, or for any enlargement thereof, or change of use in any building hereafter constructed involved in any of the aforementioned uses, the applicant for said building permit shall present evidence in writing that arrangements have been made to provide off-street parking and/or loading space to be zoned B-P (Business parking) in accordance with the above provisions, or that the required amount of parking facilities classified as a business parking area on the city zoning maps has been provided by a satisfactory written contract, or present evidence of participation in an association which is providing adequate public off-street parking so classified.

4.13.80 INGRESS & EGRESS PROVISIONS:

The Commission, in the interest of safety and general welfare, may in connection with the approval of a reclassification to B-P as provided in the preceding section, after consultation with the State Highway and the County Engineer as to County Highways and the City Engineer as to City Streets and Highways, fix the location, width, and manner of approach of any vehicular ingress or egress to or from such building or parking area and any public street or highway.

4.13.90 PARKING AREA REQUIREMENTS:

All off-street parking areas zoned B-P or public off-street parking areas required under Paragraph 4.13.70. "Building Permits" shall be graded and surfaced to a standard comparable to the street that serves the parking area as determined by the City Engineer.

SECTION 4.14 C-3 COMMERCIAL BUILDING ZONE. A C-3 zone shall provide a use zone for commercial establishments which require contact with the public together with incidental shop work, storage or light manufacturing.

4.14.10 ESSENTIAL USES:

4.14.11 Automobile service stations, automobile repair garages, automobile laundries, open used car sales lots for vehicles in operating condition.

4.14.12 Retail markets.

4.14.13 Buildings for the rental of frozen food lockers.

4.14.14 Upholstery and furniture repair shops.

4.14.15 Retail hay, grain and feed or garden supplies and equipment.

4.14.16 Retail lumber and building materials.

4.14.17 Contractors' offices and shops.

4.14.20 PRIMARY PERMITTED USES:

4.14.21 Restaurants.

4.14.22 A veterinary hospital provided there is compliance with Paragraph 5.2.10.

4.14.23 Buildings or developments necessary for the operation of a public utility.

4.14.24 Public parks.

4.14.25 Municipal buildings, police stations, fire stations.

4.14.30 SPECIAL PERMITTED USE:

4.14.31 Public transportation shelter etc. Same as 4.1.41.

4.14.35 PROHIBITED USES: A Dwelling units not in existence on the premises at the effective date of this ordinance, except for watchman or caretaker's quarters.

B. Schools, except trade schools.

C. Hospitals and other institutions for human care.

D. Motels, hotels and trailer parks.

E. Any use prohibited by any other law or ordinance.

4.14.40 PERFORMANCE STANDARDS:

4.14.41 All commercial business uses are permitted in this zone provided their performance is of such a nature that they do not inflict, upon the surrounding areas, smoke, dirt, glare, odors vibrations, noise, excessive hazards or water pollution detrimental to the health, welfare, or safety of the public occupying or visiting the areas.

A. There shall be no pollution of surface or subsurface drainage water beyond the limits of the C-3 zone.

B. The disposal of industrial wastes shall be subject to the regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

4.14.42 Storage yards in connection with an essential or primary use shall be surrounded by an 8' high solid wall or sight obscuring fence. The wall or fence, shall be considered a structure and shall conform to the setback required for buildings on street frontage. Outdoor storage of materials shall not exceed 20' in height and such stored materials shall be obscured by buildings or fencing on all sides.

4.14.50 AREA AND DIMENSIONAL REGULATIONS:

4.14.51 Minimum setback requirements: Front yard 15'. Buildings on a corner lot shall observe the minimum setback on both streets.

4.14.52 HEIGHT OF BUILDING AND LOT COVERAGE:

The gross floor area of any non-residential structure, not including floor area used for parking, shall not exceed two and one-half times the area of the lot.

4.14.53 Areas for off-street auto parking shall be provided as required in Section 4.13. An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.14.10 and 4.14.20 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

SECTION 4.15 C-M CONTROLLED MANUFACTURING ZONE.

4.15.10 ESSENTIAL USES:

4.15.11 Commercial, manufacturing, and industrial uses such as, but not restricted to, the following:

Wood, coal or oil fuel yards, including petroleum bulk plants Retail or wholesale lumber or building materials yards. Contractors' offices, shops and storage yards.

Auto-freight warehouse terminals.

Furniture manufacture and repair or cabinet or millwork shops Retail and wholesale markets. Automobile repair garages, body and fender repair shops, automobile laundries. Blacksmith, welding and metal fabricating shops.

4.15.20 PRIMARY PERMITTED USES:

4.15.21 Buildings or developments necessary for the operation of a public utility or government function.

4.15.22 Public parks.

4.15.23 Automobile service stations.

4.15.24 Public transportation system terminals.

4.15.30 SECONDARY PERMITTED USES:

4.15.31 Residences for watchmen or custodians.

4.15.32 Employees' cafeterias and auditoriums.

4.15.33 Parking lots for employees' cars or equipment used in the business. Parking lots shall be zoned B-P.

4.15.40 SPECIAL PERMITTED USE:

4.15.41 Public transportation shelter etc. Same as 4.1.41.

4.15.45 PROHIBITED USES:

A. Dwelling units not in existence on the premises at the effective date of this ordinance, except for watchman or caretaker quarters.

B. Schools, except trade schools.

C. Hospitals and other institutions for human care.

D. Motels, hotels and trailer parks.

E. Any use prohibited by any other law or ordinance.

4.15.50 PERFORMANCE STANDARDS:

4.15.51 All commercial, industrial or manufacturing uses are permitted in this zone provided their performance is of such nature that they do not inflict, upon the surrounding residential or C-2, C-3 or C-M areas, smoke, dirt glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare, or safety of the public occupying or visiting such areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be considered a nuisance and declared in violation of regulations of this Zoning Ordinance and shall be ordered abated.

A. Smoke stacks shall not emit a visible smoke except for one 5-minute period the density of smoke shall not be darker than No. 2 of the Ringelmann Chart as published by the U.S. Bureau of Mines.

B. No visible or invisible noxious gases, fumes, fly ash, soot or industrial dust shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks or railroad engines.

C. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sun light will throw intense glare to areas surrounding the C-M zone. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the C-M zone.

D. Odors of an intensity greater than that of a faint smell of cinnamon which can be detected by humans traveling the roads bordering the lee side of the C-M zone when a ten m.p.h. wind or less is blowing, are prohibited.

E. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-M zone except for the normal operation of through trains on the N.P.R.R.

F. The level of combined continuous noises originating within the C-M zone shall not exceed 60 decibels when measured on the border of the C-M zone with the A or 40 db characteristics by sound level meter meeting the requirements of A.S.A. Standard "Z 24.3 - 1944. Intermittent or staccato noises shall not be audible beyond the border of the C-M zone. All trucks or similar motorized equipment must be adequately muffled. Bell or whistle signals not necessary for the safe and efficient operation of trains shall not be used during railroad switching operations. Railroad switching operations at night shall be limited to those necessary and incidental to the pick up or delivery of shipments from or to shippers or consignees in Kirkland, or necessary and incidental to the emergency repair of railroad property.

G. There shall be no pollution of surface or subsurface drainage water beyond the limits of the C-M zone.

H. The disposal of industrial wastes shall be subject to the regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

4.15.52 Storage yards in connection with a permitted use shall be surrounded by an 8' high solid wall or sight obscuring fence. The wall or fence shall be considered a structure and shall conform to setbacks required for building on street frontage.

4.15.53 Outdoor storage of materials shall not exceed 20' in height and junk shall be obscured by buildings or fencing on all sides.

4.15.54 A protective strip of land 25' in width bordering the external boundaries of the C-M zone and bordering on major public rights of way through the C-M zone shall be devoted exclusively to the planting, cultivation and maintenance of sight-obscuring trees, shrubs and plants. For the maintenance of such protective strips a bond to the City in a reasonable amount may be required by the City Council. In lieu of such protective strip, in appropriate circumstances, there may be submitted a natural or developed change in the terrain or an existing barrier, which provides an effective and equivalent screen, or a use for a depth of 100 feet of the outer margin of the C-M zone, which is consistent with the surrounding use classification. The Board of Adjustment must determine that the proposal submitted in lieu of the 25' protective strip will adequately serve the same purpose as the protective strip before approving the proposal. The Board may request a recommendation from the Planning Commission.

4.15.55 The streets within the C-M zone whether dedicated to the City or retained as private easements shall meet the requirements of plats and access to or egress from the zone to public highways shall be subject to approval of the City Engineer.

4.15.56 Every application for a building permit for a development in the C-M zone shall be accompanied by building plans and a plot plan showing the arrangement of the site and adjoining properties and compliance with provisions of this section.

4.15.60 HEIGHT OF BUILDING AND LOT COVERAGE:

The gross floor area of any non-residential structure, not including floor area used for parking, shall not exceed two and one-half times the area of the lot.

4.15.61 Areas for off-street auto parking shall be provided as required in Section 4.13.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraphs 4.15.10, 4.15.20 and 4.15.30 shall be presented to the Planning Commission for consideration and recommendation to the City Council.

SECTION 4.16 C-H-I CONTROLLED HEAVY INDUSTRIAL ZONE.

4.16.10 ESSENTIAL USES:

4.16.11 In the C-H-I, Controlled Heavy Industrial Zone, no building or premises shall be here after erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following or similar uses:

Commercial, Manufacturing, and Industrial uses, such as, but not restricted to, the following: Any use permitted in C-3 or C-M

Airplane Manufacturing. Assaying (other than gold and silver)

Automobile manufacturing Blast furnaces Boiler works Boat building and repairing Breweries and distilleries Broom and brush manufacturing

Candle manufacturing Carbon manufacturing Celluloid or similar cellulose materials manufactured Cereal and feed mills Chain and cable manufacturing Charcoal manufacturing and pulverizing Chemical manufacture Concrete batching

Cooperage works Dog pound Dry kilns

Dystuff manufacture Emery cloth or sandpaper manufacture Enameling

Exterminators or insect poisons manufacture Flour mills Foundries

Glass or glass products manufacture Hangar

Ice manufacture Japanning Junk, rags, scrap iron or paper storage or baling

Lamp black manufacture Heavy manufacture and large warehousing

Lubricating grease manufacture or oil compounds Lumber and shingle mills. Machinery manufacture

Heavy machine shops Watch manufacturing Oil cloth and linoleum manufacture

Oxygen manufacture Paint, oil, shellac, varnish or turpentine manufacture Paper box manufacture

Planing mill or wood working plant Plaster or wallboard manufacture

Power, light or steam plant (central station) Printing ink manufacture

Railroad yards and roundhouse Rolling or blooming mill Rope manufacture

Rubber or caoutchouc manufacture of crude materials Salt works

Saw mills Shoddy manufacture Shoe manufacture

Shoe blacking manufacture Soap manufacture Stables, commercial

Starch, Glucose, or dextrose manufacture Steel or iron mills

Stoneware or earthenware Stove polish manufacture Storage warehouses

Textile mills Tobacco (chewing) or cigar manufacture

Vegetable oil or other oil manufacture and refining or storage Yeast plants

Wholesale houses heavy equipment Wrecking yards

The following uses are prohibited in the C-H-I Zone: Ammonia, chlorine or bleach powder manufacture

Asphalt manufacturing or refining, including tar distillation or manufacture, and tar roofing or tar water proofing manufacture

Brick tile, or terracotta manufacture or storage

Coke ovens Creosote treatment or manufacture

Disinfecting manufacture Distillation of wood, coal and bones, or manufacture of any of their by-products

Explosive storage and manufacturing Gas (illuminating or heating) manufacture or storage

Incineration or reduction of garbage, offal, dead animals and refuse

Kelp reduction and the extraction of its by-products

Paper and pulp manufacture Petroleum, refining

Reducing or refining aluminum copper, tin or zinc Soap and compound manufacture

Tanning, curing or storage of raw hides or skins Cement, lime, and gypsum manufacturing

Fat rendering Fertilizer manufacture Gine manufacture

Stock yards other than loading

4.16.20 PRIMARY PERMITTED USES:

4.16.21 Buildings or developments necessary for the operation of a public utility or government function.

4.16.23 Automobile service stations.

4.16.24 Public transportation system terminals.

4.16.30 SECONDARY PERMITTED USES:

4.16.31 Residences for watchmen and custodians.

4.16.32 Employees' cafeteria and auditoriums.

4.16.33 Parking lots for employees' cars or equipment used in the business. Parking lots shall be zoned B-P.

4.16.40 SPECIAL PERMITTED USES:

4.16.41 Public transportation shelters etc. Same as 4.1.41.

4.16.45 PROHIBITED USES:

A. Dwelling units not in existence on the premises at the effective date of this ordinance, except for watchman or caretaker's quarters.

B. Schools, except trade schools

C. Hospitals and other institutions for human care.

D. Motels, hotels and trailer parks.

E. Any use prohibited by any other law or ordinance.

4.16.50 PERFORMANCE STANDARDS:

4.16.51 All commercial, industrial or manufacturing uses are permitted in this zone provided their performance is of such nature that they do not inflict, upon the surrounding area, smoke, dirt glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare, or safety of the public occupying or visiting such areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be considered a nuisance and declared in violation of regulations of this Zoning Ordinance and shall be ordered abated.

A. No visible or invisible noxious gases, fumes, fly ash, soot or industrial dust shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operation of a heating plant or gasoline or diesel engines in cars, trucks or railroad engines.

B. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sun light will throw intense glare to areas surrounding the C-H-I zone. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the C-H-I zone

C. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-H-I zone except for the normal operation of through trains on the N.P.R.R.

D. The level of combined continuous noises originating within the C-H-I zone shall not exceed 80 decibels when measured on the border of the C-H-I zone with the A or 40 db characteristics by sound level meter meeting the requirements of A.S.A. Standard "Z 24.3 - 1944. Intermittent or staccato noises shall not be audible beyond the border of the C-H-I zone. All trucks or similar motorized equipment must be adequately muffled. Bell or whistle signals not necessary for the safe and efficient operation of trains shall not be used during railroad switching operations. Railroad switching operations at night shall be limited to those necessary and incidental to the pick up or delivery of shipments from or to shippers or consignees in Kirkland, or necessary and incidental to the emergency repair of railroad property.

E. There shall be no pollution of surface or subsurface drainage water beyond the limits of the C-H-I zone.

F. The disposal of industrial wastes shall be subject to the

ORDINANCE NO. 709
Continued from page 11

regulations of the State Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

4.16.52 Storage yards in connection with a permitted use shall be surrounded by an 8' high solid wall of sight obscuring fence. The wall or fence shall be considered a structure and shall conform to setbacks required for building on street frontage.

4.16.53 Outdoor storage of materials shall not exceed 30' in height and junk shall be obscured by buildings or fencing on all sides.

4.16.54 A protective strip of land 25' in width bordering the external boundaries of the C-H-I zone and bordering on major public rights of way through the C-H-I zone shall be devoted exclusively to planting, cultivation and maintenance of sight obscuring trees, shrubs and plants. For the maintenance of such protective strips a bond to the City in a reasonable amount may be required by the City Council. In lieu of such protective strip, in appropriate circumstances, there may be submitted a natural or developed change in the terrain or an existing barrier, which provides an effective and equivalent screen, or a use for a depth of 100' of the outer margin of the C-H-I zone, which is consistent with the surrounding use classification. The Board of adjustment must determine that the proposal submitted in lieu of the 25' protective strip will adequately serve the same purpose as the protective strip before approving the proposal. The Board may request a recommendation from the Planning Commission.

4.16.55 The streets within the C-H-I zone whether dedicated to the City or retained as private easements shall meet the requirements of plats and access to or egress from the zone to public highways shall be subject to approval of the City Engineer.

4.16.56 Every application for a building permit for a development in the C-H-I zone shall be accompanied by building plans and a plot plan showing the arrangement of the site and adjoining properties and compliance with the provisions of this section.

4.16.60 HEIGHT OF BUILDING AND LOT COVERAGE:

The gross floor area of any non-residential structure, not including floor area used for parking, shall not exceed two and one-half times the area of the lot.

4.16.61 Areas for off-street auto parking shall be provided as required in Section 4.13.

An application for reclassification to B-P for use in conjunction with uses permitted by Paragraph 4.16.10, 4.16.20 and 4.16.30 shall be presented to the Planning Commission for consideration and recommendation by the City Council.

CHAPTER 5

GENERAL PROVISIONS
AND SPECIAL CONDITIONS
SECTION 5.1 DIMENSIONAL
PROVISIONS AND REGULATIONS.

5.1.10 Where the official City street and highway map shows a future width greater than the dedicated width, setbacks shall be measured from the proposed future street width line.

5.1.20 In the C-2 and C-3 zones the projection of marquees to the property line shall not be considered a violation of the building setback requirements. Marquees must conform to the construction requirements as set forth in the Building Code of the City of Kirkland. Canvas awnings over public rights of way are prohibited.

5.1.30 Any lot of any size can be used for a building site subject to the regulations governing the use zone in which it is located if it was officially recorded in city or county offices as a separately owner single lot prior to the adoption of this ordinance, provided it has 30' frontage on a public street or access to a public street by a 20' wide private lane.

5.1.31 Acreage or groups of lots of one ownership must be subdivided to conform to the regulations of the zone in which they are located.

5.1.32 In an existing recorded plat or in a plat approved by the Kirkland Planning Commission the individual lots of the plat shall be considered legal lots if the average of the areas of all the lots in the plat meets the minimum requirements from the zone in which the plat is located. Provided, that no individual lot therein shall vary more than 10% from the zone minimum.

5.1.33 Existing waterfront lots of separate ownership at the time this ordinance is adopted with a minimum width of 80' and containing 30,000 sq. ft. or more can be divided into two lots provided the waterfront lot retains a depth 2 times its width or contains not less than 15,000 sq. ft.

5.1.34 On properties containing 30,000 sq. ft. or more and under single ownership, one detached cottage for the use of guests or servants' living quarters may be built. Drawings showing the entire property and the relation of the proposed cottage to existing buildings must be presented with the application for a building permit.

5.1.35 In determining the area of an interior lot removed from the street and having access thereto through a private lane, the land area within the lane may be counted as part of the total lot area only if the area of such lot exclusive of the access lane, is not less than ninety per cent (90%) of the zone minimum requirements.

5.1.36 All situations or requests for variances not classified in Paragraphs 5.1.30 to 5.1.35 inclusive concerning building lot size requirements in existing developed and platted areas may be referred to the Planning Commission for a variance hearing.

5.1.40 School buildings in R zone shall cover not more than 35% of their site area. Side and rear yards of elementary and higher grade schools shall be a minimum of 50' each.

5.1.41 Playfields, exclusive of the building site, shall be provided as follows:

Kindergarten, 1/2 acre per 100 students.

Elementary, 1 acre per 100 students.

Junior high, 1 1/2 acres per 100 students.

Senior high, 2 acres per 100 students.

5.1.42 Playfields for Junior and Senior high schools may be off site but be reasonably near and travel to and from the school site must not be hazardous.

5.1.43 Playfields developed to the limits of their property and which are adjacent to developed private property shall be fenced with an 8' high chain link or similar fence. In lieu of fencing, a 25' strip of native trees or cultivated landscaping along the edge of the playfield which will constitute an effective evergreen barrier will be permitted.

5.1.50 Churches, institutions, clubs, and similar semi-public use buildings in R zones shall cover not more than 35% of their site area. Side and rear yards shall be a minimum of 50' each. The required screen planting on abutting residential property lines shall be of such size and age that it will constitute an actual and effective solid planting screen within two years after it is planted.

5.1.60 In R zones, detached accessory building shall not exceed one story in height, and shall not occupy more than 50% of the area of a rear yard, and shall be not closer than 10' to each other or the main building. Accessory buildings shall comply with the setbacks required for the main building except that a detached accessory building can be built to the side or rear lot line provided a written mutual agreement of all the abutting property owners concerned be filed with the City Clerk.

5.1.61 Where an accessory building is attached to and made a part of the main building for at least 50% of the length of one of the abutting walls of the accessory building, or where the total length of the abutting walls of the accessory building is equal to 50% of the longest wall of the accessory building, then the accessory building shall be considered an integral part of the main building and shall comply with the regulations applicable to the main building.

5.1.62 If the topography of a lot is such that at the front property line there exists a bank 8' or more above the street grade, and there is no reasonable way to construct a driveway up to the dwelling level, a reinforced concrete garage may be built into the bank abutting the side property line and set at least 5' back from the front property line. If the topography of a lot is such that the land drops down steeply from the street level and there is no reasonable way to construct a driveway down to the dwelling level, a garage, accessible from within the property, with reinforced concrete calls on the high bank sides, and with the roof not higher than 2' above the street level, may be built into the bank abutting the side property line and set at least 5' back from the front property line.

5.1.63 An appeal from the City Engineer's decision on a proposal for a garage as described above shall be brought before the Board of Adjustment.

5.1.70 In R zones eaves may project 2' into the minimum 5' side yard.

5.1.71 Open terrace, porch or stairway roofs that provide shelter shall comply with the requirements of the main building roof. Open trellis, beams, eggcrate or similar construction that does not provide shelter over open terraces, porches or stairways can be built to the property line provided the structure is designed as a part of a property line fence and does not constitute a view obstruction.

5.1.80 Buildings three stories or more in height shall have a minimum of 10' side yard.

SECTION 5.2 SPECIAL USE REGULATIONS:

5.2.10 STABLES, RIDING ACADEMIES, KENNELS:

In the S-A zone, the following uses are permitted if the following requirements can be complied with.

5.2.11 Horse boarding stables or riding academies located on a minimum of 5 acres with all horse housing buildings 200' from any place of habitation other than the owners. Fenced roaming or riding areas shall not be built closer than 65' to any place of habitation other than the owners.

5.2.12 Dog raising or boarding kennels located on a minimum of 5 acres with all dog housing buildings and fenced roaming areas 400' from any place of habitation other than the owners.

5.2.20 PRODUCE STANDS: In all of the S-A and S-1-A zones temporary stands for the sale of fruit or vegetables grown on the property can be erected for the duration of the harvest season, provided the Planning Commission approves the drawings showing the arrangement of customer parking space and the means of ingress and egress from the highway. These temporary stands shall be removed when the owner's harvest season is over.

5.2.30 DORMITORIES, CONVENTS, RESIDENCES: In all of the R zones permitting institutions such as schools, hospitals, clubs, churches, etc., where the housing of students, members of the institution, or employees is necessary for the proper operation of the institution, such housing will be permitted provided (1) the housing and its site conform to the requirements of similar types of housing, such as residences, apartments, etc., as detailed in applicable sections of this ordinance and in the Building Code, and (2) complete site plans of the proposed housing development and its relation to the institution's other building, and complete building plans be submitted to the City Engineer with the application for a building permit. (3) Parking areas are approved by the Planning Commission and recommended for B-P classification to the City Council.

5.2.40 JUNK: In no zone will there be permitted a collection of junk, scrap, unlicensed cars or parts of cars, equipment, abandoned sheds or buildings, which are a menace to the health, safety and general welfare of the neighborhood, except where specific provisions are made concerning such items in the ordinance governing a use zone.

5.2.50 FENCES: Fences providing a maximum 6' sight obstruction from adjacent properties can be built on the side and rear property lines and across the front of the property in line with the front of a building but not closer than 20' to the street right of way. Corner lots must observe the 20' setback on both streets. From the 20' setback line to the street right of way solid fences a maximum of 3' high, measured from the ground on which the fence stands, are permitted and open rail fences a maximum of 4'6" high, measured from the ground on which the fence stands, are permitted in which the rails and posts constitute not more than 1/3 of the fence area, provided that no fences shall be permitted which violate the sight obstruction ordinance at street intersections.

5.2.51 No fences incorporating barbed wire are permitted except that barbed wire may be used on top a 6' wire solid or chain link fence surrounding a public utility, an industrial plant site or a whole property, or barbed wire may be used when the fence is not a property boundary line fence.

5.2.52 Fences which deprive adjacent properties of a natural view of the landscape which is a contributing factor in the value of the land are prohibited.

5.2.53 Electric fences are permitted provided they comply with the following requirements: (1) An electric fence using an interrupted flow of current at intervals of about 1 second on and 2 seconds off shall be limited to 2000 volts at 17 milliamper current. (2) An electric fence using continuous current shall be limited to 1500 volts at 7 milliamper current. All electric fences shall be posted with permanent signs a minimum of 36 sq. inches in area at intervals of 100', stating that the fence is electrified. Electric fences manufactured by an established and reputable company and sold as a complete assembled unit carrying a written guarantee that complies with the requirements of this paragraph can be installed by an owner if the controlling elements of the installation carry an "U.L. Approved" seal.

5.2.60 CARNIVALS, REVIVAL TENTS, ETC.: In all zones the establishment of a carnival, circus, merry-go-round, ferris wheel, revival tent, or any similar amusement or temporary meeting place shall require a permit from the City. The permit will be granted for a maximum period of two months after the Planning Commission has approved the proposed use of land.

5.2.61 Approval by the Planning Commission will be dependent on compliance with the following requirements: (1) The location must be such that there will be no serious interference with the City's normal affairs. (2) Provisions for adequate parking space on the site and a reasonable and safe means of ingress and egress must be shown. (3) Sound of any description shall not constitute a nuisance to neighboring residents. (4) Signs to be posted, circulars to be dispersed or any other means of advertising must be returned to its original condition at the termination of this use. (5) Compliance with special Ordinances of the City of Kirkland.

5.2.70 PRIVATE BOAT MOORAGE:

(1) When permitted: Wharves for the moorage of private pleasure boats of the owner of the property on which the moorage is located is permitted in waterfront areas of R zones subject to:

(A) Approval of the Corps of Engineers;

(B) Approval of the City Engineer as to structural stability and safety of the structure.

(C) A special permit authorized by the Planning Commission Before granting such authorization for any private moorage or wharf, either covered or uncovered, the applicant shall submit to the Planning Commission complete plans and specifications describing in full the location, design and extent of coverage, if any; which said plans and specification shall be opened to public inspection for at least 10 days before approval and notice of filing of said plans and specifications, shall be given by posting a notice in the area affected at least 5 days before filing thereof. The Planning Commission may, if it deems it necessary, hold a public hearing thereon. In case of requests for authorization for covered moorage, the objection of any one property owner, whose view from his property is obscured in any manner by such covered moorage, shall be deemed sufficient reason to deny authorization of construction of such covered moorage.

(2) Any private moorage or wharf for a boat shall be set back a minimum of 12 feet from the side property lines except when by the mutual agreement of adjoining property owners, acknowledged as a deed and recorded with the King County Auditor, a wharf, moorage or shelter may be built on or straddling the common side line of the adjoining owners' property.

(3) Uncovered private piers shall be restricted in their length to a maximum of 150 feet from the normal high water mark.

(4) The covered portion of a moorage or pier shall be restricted to the area lying within an equilateral triangle, the base of which shall be a line drawn between the points of intersection of the property side lines with the line of normal high water, except that covered moorage shall not extend beyond 100' from the base line, and except that if the vertex of the equilateral triangle so drawn is less than 100 feet from the center of the base of such triangle, the covered portion of such moorage or pier shall be restricted to the area lying within an isosceles triangle of which the base is the line drawn between the points of intersection with the respective side lines of such property and the line of normal high water with the vertex thereof 100 feet from the center of said base. The required 12 feet set back from the property side lines shall be deducted from the triangle area.

(5) Area Requirements. Covered moorage structures in no event shall cover more than fifty (50) percent of the permitted covered moorage area as outlined in 5.2.70 (4) Where a covered moorage is built pursuant to the agreement of adjoining owners as provided in Paragraph (2) above,

Continued on page 15

the covered moorage area shall be deemed to include, subject to the limitations of such joint agreement, all of the combined building areas included within the triangles extended upon said adjoining properties as augmented by the inverted triangle situated between the aforesaid triangles having as its base a line drawn between the vertices of the respective triangles or the intersection of the sides of the triangles with the 100' limitation line aforementioned.

(6) Variances. When, owing to special circumstances and conditions, including, but not limited to an adverse prevailing wind direction, a shallow trunk, sewer or water main, extensive shallow water or overlapping of triangles, enforcement of the cov-

ered moorage area shall result in unnecessary hardship and when such practical difficulties render compliance with such limitations difficult by the property owner, the Board of Adjustment may grant, upon proper application therefor, such variance as will preserve the intent and spirit of these limitations.

(7) The provisions of Paragraph 5.3.30 of this ordinance shall not apply to the expansion of an existing private non-conforming over-the-water boat shelter or boathouse, provided that the expansion thereof does not exceed 25% of the original non-conforming structure, and provided further that the expansion thereof is shoreward if the structure is presently beyond the 100 foot maximum permitted distance from the normal high water line and provided that such

encroachment upon the side line setback requirement.

5.2.71 Semi-Private Moorage. Semi-Private moorage and docking facilities for private pleasure boats will be permitted in waterfront areas of the R-3 zones when the facilities are accessory to a yacht club or other permitted use, provided that such facilities meet the requirements of a public moorage.

5.2.72 Public Moorage: Public moorage and docking facilities for pleasure boats will be permitted in waterfront areas of R 3 and lesser intensity zones.

Provided:
(1) That the approval of the Corps of Engineers is obtained together with the approval of the City Engineer as to the structural stability and safety and compliance with this ordinance.

public circulation areas are designed in compliance with City ordinances and recommended by the Planning Commission to the Council for classification to B-P.

(3) No business or commercial enterprise is conducted or provided for on the piers or on floating craft or on the land within the R-3 zone, except the rental of moorage space.

(4) Roofed moorage structures start from a point not more than 50' from the high water line. Individual moorage slip roofs built on piers or in floats are not permitted.

(5) Roofed moorage structures provide adequate natural or artificial light on the piers and walkways at all times to make passage safe.

(6) No public or semi-private

roofed moorage structure shall cover more than 50% of the allowable over-water-roofed-moorage area of any one property as defined in this section.

(7) Dry land boat storage facilities on land shall be limited to those properties having frontage on the lake and such buildings or facilities shall observe a 50' setback from public streets and from properties of other classification and a solid planting screen shall be required on the perimeter of any such storage-development.

(8) Covered piers for public or semi-private moorage may be built on the Lake Washington waterfront only between the foot of Market street and the south City limits.

5.2.73 Covered moorage and docking facilities, private, semi-private and public, shall not exceed a maximum of 16' above the Lake Washington high water level datum which is 22.0' above the mean lower low water in the Puget Sound as established by the Corps of Engineers, which corresponds to elevation 29.16' as established by the U.S. Coast and Geodetic Survey. Pier decks shall not be higher than U.S.A.E. elevation 27.0'.

5.2.74 Any private, semi-private or public pier or shelter structure built over water shall be built of dimensioned lumber or other rigid, finished, manufactured materials. Wood structural members, such as posts and beams, of any structure or moorage facility accommodating four or more boats shall be a minimum of 4" dimension timber construction. Size of metal structural members shall be as required by the building code. No piling shall extend higher than 3' above the pier or wharf deck, except for specific uses such as the mast of a derrick or hoist for lifting boats out of the water, or four post hoist for cradling small boats when housed within a walled building. Piling may be used to support a roofed and walled structure when located on the inside of the walled sides of the structure, but not on an open side. Such piling shall be braced and tied to prevent working. Walls applied to such piling shall be furred to a plumb and true plane. Shelter for boats in semi private and public moorage shall be constructed of permanent fixed materials. No frame and canvas shelters shall be permitted.

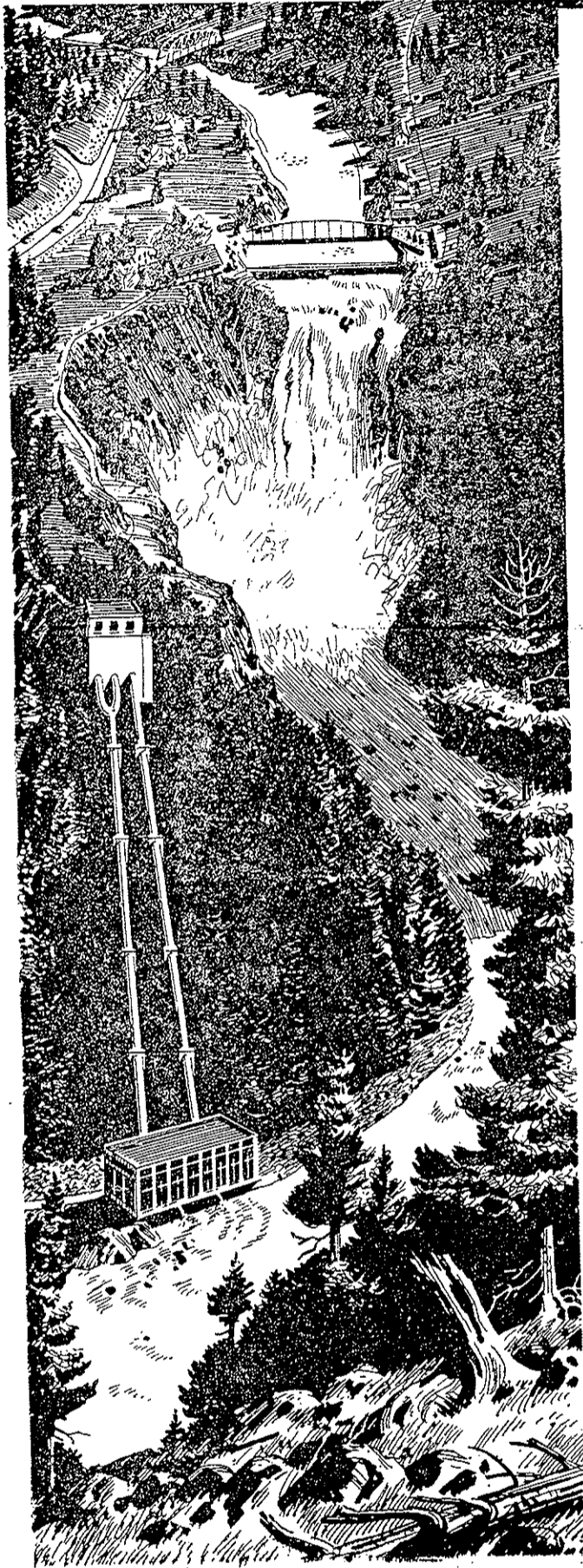
5.2.75 A wharf or pier with a land end or access ramp 6' or more in width shall be designed structurally to carry 5-ton truck loading.

5.2.76 A minimum of two chemical fire extinguishers in operating condition and in conspicuous locations, accessible to the public at all times, shall be provided on each public or semi-private pier. Extinguishers shall be one of the following: Chemical foam, 2 1/2 gal.; Carbon Dioxide, 15 lbs.; Dry chemical, 10 lbs.

5.2.77 All public or semi-private moorage facilities, existing or new construction, shall provide separate on-shore or on-pier toilet facilities for each sex, convenient to the boat moorage, each consisting of one water closet and one lavatory in a minimum area of 40 sq. ft., which shall be connected to a public sewage system. A covered trash can and a covered garbage can shall be located at 100' intervals on moorage piers. The use of boat bilge pumps or boat toilets when in dock or within the waters of Lake Washington adjacent to the City of Kirkland is prohibited.

5.2.78 Prohibited Activities. No boat, houseboat or water craft moored in or off the shorelands of Kirkland and no premises located upon piers or piers in or off the shorelands of Kirkland shall be used as a place of hab-

C continued on page 18



MORE POWER FOR MORE PEOPLE!

This month Puget Power opens its new generation facilities at Snoqualmie, adding another 20,000 kilowatts of power to our system. This addition about doubles the capacity of our Snoqualmie plant, and is only one part of our current \$90,000,000 expansion and modernization program.

Puget is also cooperating fully with the Puget Sound Utilities Council. This group of five utilities, representing both private and public power, is working together to provide ample low-cost power development for the entire Puget Sound-Cascade region.

Surveys indicate that Puget's service area will increase in population 60% by 1965. Through these current projects and its dynamic plans for the future, Puget demonstrates its continuing faith in the richly endowed and rapidly growing area which it serves.



FRANK McLAUGHLIN, President

ORDINANCE NO. 709

Continued from page 15

station. The dead storage or moorage of inactive boats or water craft on the City of Kirkland waterfront, secured to buoys, anchors or other boats, is prohibited

5.2.80 PUBLIC UTILITIES;

Public utility buildings, telephone exchanges sewage pumping stations, electrical distribution substations, and similar developments necessary for the operation of a public utility shall be permitted in any zone provided the following requirements are complied with:

A. If the installation is housed in a building, the building must conform architecturally with the surrounding buildings or with the type of buildings that will likely develop within the zone.

B. An unshoused installation on the ground or housed installation that does not conform to the architectural requirements of paragraph A, above, must be sight screened with evergreen trees, shrubs and landscaping planted in sufficient depth to form an effective and actual sight barrier within five years.

C. An unshoused installation of a dangerous nature such as an electrical distribution sub-station shall be enclosed with an 8' high open wire fence.

D. All buildings, installations and fences shall observe the setback requirements for buildings in the zone in which they are located and in the "R" zones the side yards requirements shall be increased to 20'.

E. In residential areas the level of transformer noises from electrical distribution sub-stations measured at the property line shall normally not exceed 60 decibels when measured with A or 40 db characteristic by sound level meter meeting the requirements of A.A.A. Standard "Z" 24.3" — 1944. This limitation does not include streets, highways or other public roads or alleys. Furthermore the sound level will be permitted to reach 65 db when measured with A characteristic for a portion of the property boundary not exceeding 10 per cent of the perimeter not bounded by streets, highways, other public roads or alleys.

F. A complete plot plan and elevations showing the entire development, and photographs showing the location and character of all adjoining land improvements, and data showing the means employed to comply with Paragraph E, above, must be submitted to the City Engineer with the application for a permit.

G. Within the system of an overhead electric power distribution grid in the City the installation of pole mounted transformers on major, secondary and access streets shall be limited to a maximum of a single phase or a three phase installation on a single pole with only one lighting transformer a maximum of 100 KVA or three power transformers not to exceed a capacity of 100 KVA each.

Overhead transformer installations in alley or rear of building locations are not included in the above restrictions.

Power lines crossing a building roof and supported on frames on the roof are prohibited.

In the event of an operational emergency transformers of any size can be installed at the discretion of the power utility company on any pole or poles for a period not to exceed 30 days.

Temporary transformer installations located on private property to serve a specific temporary need may be permitted for a specified time, not to exceed one year if approved by the Board of Adjustment.

The electric power company holding a franchise in the City, has the right, after securing a permit from the City Engineer, to cut prune or trim the growth of any trees planted in or adja-

cent to the public streets, which wires of the electric distribution system. Tree trunks, limbs or branches can be cut so that over public rights of way a clearance of 5'0" exists around the existing or newly installed electric distribution wires.

Where a new series of poles and distribution lines are to be installed, and the street is planted with mature trees on each side, it shall be within the jurisdiction of the Board of Adjustment, after receiving a recommendation from the Planning Commission, to determine on which side of the street the new poles and lines shall be installed.

5.2.90 House Trailers: One house trailer can be temporarily parked and used as a dwelling in the side or rear yard of a lot for a period not to exceed 15 days provided the setbacks applicable to detached accessory buildings can be complied with.

5.2.91. A permit for such temporary trailer parking must be obtained by the occupant of the lot from the City Engineer prior to locating the trailer on the lot and assurance that adequate toilet, water, and power facilities within his dwelling are available for the use of the trailer occupants must be presented in writing.

5.2.92 One house trailer located on its own lot, permanently connected to water, power and sewer utilities or to a septic tank system may be considered as a temporary dwelling provided the Board of Adjustment determines that the location of the trailer will not be unduly detrimental to adjacent surrounding property and that the general character and integrity of the neighborhood will be preserved and that the use of the trailer as a dwelling which will be terminated at a fixed date. The Board may authorize the issuance of a temporary permit good for 90 days, renewable at its discretion. The Board may require a bond to the City to assure disconnection and removal of the trailer at the expiration of the permit.

5.2.93 VETERINARY CLINIC OR HOSPITAL: A veterinary clinic designed for the treatment and care of pet animals, such as cats and dogs shall be owned and operated by a registered Veterinarian. The animals must be confined within the exterior walls of the building at all times. Walls of interior court animal runs shall be a minimum of 8' high. Interior court animal runs shall be roofed and if there are open air spaces between the top of the wall and the roof they shall be enclosed with wire mesh. All rooms housing animals shall have ample natural or mechanical ventilation. There shall be no cremation or other disposal of dead animals on the premises. A veterinary clinic or hospital building shall not be located closer than 100' to an existing residence building in a R zone, an existing restaurant building, an existing apartment or hotel, an existing library, art gallery or museum, an existing clinic or hospital for humans, an existing church or theater. Parking areas and service yards must be sight screened, with a solid planting effective within two years after planting, from adjoining existing residences.

SECTION 5.3 NON-CONFORMING USES:

5.3.10 EXISTING BUILDINGS OR USES: The lawful use of a structure or building existing at the effective date of this ordinance may continue although such use does not conform to the regulations contained herein, provided that if such non-conforming use is abandoned, any future use of a structure or building and the structure or building shall conform to the regulations of the zone in which it is located.

5.3.11 Discontinuance of a non-conforming use of land, structure or building for a period of 30

days shall be, prima-facie, evidence of intention to abandon.

5.3.20 CHANGE IN USE: If no structural alterations are made, a non-conforming use may be changed to another similar non-conforming use or to a use conforming to the zone regulation.

5.3.30 EXPANSION OR ALTERATION: An existing non-conforming building cannot be enlarged or expanded or reconstructed unless it is made to conform to the regulations of this document and of the Uniform Building Code.

5.3.31 Ordinary maintenance and repair of a non-conforming building and its equipment or fixtures is permitted provided the value of the repair does not exceed 25 per cent of the assessed value of the building as determined by the County Assessor for the year in which the work is done.

5.3.32 The non-conforming use of a fractional part of a building or land use shall not be expanded.

5.3.40 RECONSTRUCTION: If a non-conforming building is destroyed by fire, explosion, act of God or act of the public enemy to the extent of 75 per cent of its assessed value, then thereafter the land and any developments on it shall conform to the regulations of the zone in which it is located.

5.3.50 EXCEPTION: The City Council upon recommendation of the Planning Commission may authorize the City Engineer to issue a permit for the construction of a non-conforming building, or for the non-conforming use of any area or building, for a specific period of time not exceeding one year provided the Council finds that the public convenience and advantage will be served by such non-conforming building or use and that the building or use will not be materially detrimental to the public welfare.

SECTION 5.4 PROHIBITED USE:

5.4.10 SANITARY CONVENIENCES: In all zones the existence of outhouses or privies is prohibited. Sanitary conveniences must be incorporated within the building which they serve and must consist of a chemical toilet or installed plumbing properly connected to a septic tank and disposal field or to a closed sewer.

CHAPTER 6 INTERPRETATION & JURISDICTION

SECTION 6.1 JURISDICTION: The provisions and standards contained in this ordinance shall be deemed to be minimum standards with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the City Council to further restrict the permissive uses or to withhold or revoke permits for uses where, notwithstanding the existence of the minimum standards herein set forth, the public health, morals, safety and welfare bears a substantial relation to such withholding, denial or revocation of permits or uses.

6.2 PRIOR COVENANTS: It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

6.2.10 Where this ordinance imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger space than is imposed or required by other resolutions, rules or regulations or by easements, covenants, or other agreements, the provisions of this ordinance shall govern.

CHAPTER 7 FILING OF PLANS

SECTION 7.1 BUILDING PLANS: In all zones, two sets of building plans and two plot plans drawn to scale showing the entire site, dimensions of the lot,

dimensions of the building, dimensions of the setbacks from the lot lines, location of the garage or parking space and the driveway, extent of the roof eave overhang shown and dimensioned, location of the septic tank and drain field or of the side sewer line, and any other information required to show compliance with the regulations of this ordinance shall be filed in the City Offices when application for a building permit is made.

7.2 PARKING LOT PLANS: In all zones the party proposing a development that requires parking areas to be classified B-P shall present to the Planning Commission through the Planning Officer or the City Engineer two sets of plans of the proposed development which shall include complete plot plans drawn to scale and dimensions showing the entire site, adjacent building, adjoining streets, topography, the proposed buildings and parking driveways, distances between banks of cars and striping, also proposed screen planting, spacing and species and any other information pertinent to the scheme or required to show compliance with the regulations of this ordinance.

7.3 CERTIFICATE OF OCCUPANCY: Upon completion of a development or building for which a building permit was issued, or upon completion of a parking area for which B-P zoning was granted, a certificate of occupancy must be obtained from the City Engineer before occupancy begins.

CHAPTER 8 AMENDMENTS

AND RECLASSIFICATIONS

SECTION 8.1 AMENDMENTS: An amendment, supplement or change in this ordinance or in the Zoning Map can be initiated by the City Council or by the Planning Commission. A public hearing shall be held by the Commission in the manner provided for reclassification of the property, except for reclassification to B-P. Following the hearing the Commission shall make its recommendation to the Council. The Council may enact the amendment upon recommendation of or with the concurrence of the Commission.

8.2 RECLASSIFICATIONS:

8.2.10 The owner of any land desiring a change in use zone boundaries or a reclassification of property shall present to the Planning Commission a petition signed and acknowledged by him, on the forms provided by the City, stating his proposal. Drawings delineating the proposal shall accompany the petition.

8.2.11 The Planning Commission upon receipt of a petition by a land owner shall make an investigation of the matters involved in the proposal. The Commission shall call a public hearing, except for B-P reclassification, to hear the public on the proposal. Following the hearing and after consideration of the facts of the proposal, the facts brought out in the hearing and any other competent facts pertaining to the property or to properties adjacent or in the vicinity thereof, the Commission shall within 30 days make a recommendation to the City Council. If the Commission after thorough study of the proposal in the petition determines that the reclassification of the property or change in use zone boundaries is necessary for the preservation and enjoyment of any substantial property right of the petitioner, and not materially detrimental to the public welfare or the property of other persons located in the vicinity, the Commission shall recommend that the Council approve the reclassification of the property.

8.2.12 If the Commission, following a public hearing, makes no decision on the petition or sends no recommendation to the Council for 30 days, this shall be taken as a disapproval of the

petition and the owner may follow the steps of appeal as set forth in Paragraph 8.2.13.

8.2.13 If the Commission recommends disapproval of the petition, that decision shall be final unless the owner files notice of appeal to the City Council with the City Clerk within 30 days of the Commission's action. Upon receiving notice of appeal, the Council shall set a date for hearing of the subject and shall notify the parties it deems most concerned. Following this hearing, the Council may follow the recommendation of the Commission or refer the subject to the commission for their reconsideration and a subsequent report to the Council, upon receipt of which the Council shall take final action within 30 days.

8.2.14 A petition which has been disapproved by the Council cannot be resubmitted to the Planning Commission within 6 months of the date of disapproval.

8.2.15 A petitioner whose petition has been disapproved by the Council may appeal to the Courts.

8.2.20 The fee for reclassification of property shall be \$50.00 for each petition, payable upon filing with the City Clerk. Reclassification to B-P shall require no fee or public hearing. The reclassification of land in plating shall require no additional fee. No fee will be refunded under any circumstances.

CHAPTER 9

BOARD OF ADJUSTMENT

SECTION 9.1 JURISDICTION

OF THE BOARD: The board of Adjustment shall have the authorities and powers as set forth in the City of Kirkland Ordinance No. 710 and as specified in this ordinance.

CHAPTER 10

ENFORCEMENT

SECTION 10.1 AUTHORITY: The Mayor of the City of Kirkland or a city official as his authorized representative, is charged with the enforcement of the provisions of this ordinance.

10.2 APPEAL FROM DECISION OF AUTHORITY: An owner, or his agent, may appeal a decision of the City Engineer to the Board of Adjustment. Both parties shall present their cases to the Board in writing seven days prior to the date set by the Board for hearing of the case. An appeal from the Board's decision shall be brought before the City Council.

CHAPTER 11

VALIDITY

If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

CHAPTER 12

PENALTY

A violation of the provisions of this ordinance, or any amendment thereto, is hereby made a misdemeanor.

CHAPTER 13

CONFLICTING PROVISIONS

That all ordinances or parts of ordinances in conflict herewith be and the same hereby are repealed to the extent necessary to make this ordinance effective.

CHAPTER 14

EFFECTIVE DATE

This ordinance shall take effect and be in force five (5) days from and after its passage by the Council, approval by the Mayor and publication according to law.

Introduced the 21st day of January, 1957.

Passed and approved the 18th day of March, 1957.

Byron Baggeley, Mayor

ATTEST:
Loren Fitch, City Clerk

APPROVED AS TO FORM:
Charles W. Johnson, Jr.
City Attorney