

ORDINANCE NO. 1063

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO LAND USE, PLANNING AND DEVELOPMENT, REQUIRING THE ISSUANCE OF SPECIAL USE PERMITS AS TO CERTAIN SPECIFIED USES SUCH AS GAS STATIONS AND "DRIVE-INS", ESTABLISHING THE STANDARDS AND PROCEDURE FOR ISSUANCE OF SUCH PERMITS AND AMENDING ORDINANCE NO. 709, THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF KIRKLAND?

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Section 4.11.23 of Ordinance 709 is hereby amended to read as follows:

"Upon issuance under the provisions of Section 5.6 of Ordinance 709 (Section 5 of this amendatory ordinance) of a special use permit by the City Council: gasoline service stations, car washes, drive-in restaurants, and similar establishments where the predominant design of the structure and intended use is such that customers or other persons availing themselves of said use may remain in their motor vehicles during all or a substantial portion of the rendering of the service."

Section 2. Section 4.12.14 of Ordinance 709 is hereby amended to read as follows:

"4.12.14:

a. 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 an 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.

b. Upon issuance under the provisions of such Section 5.6 of Ordinance No. 709 (Section 5 of this amendatory ordinance) of a special use permit by the City Council: gasoline service stations, car washes, drive-in restaurants and similar establishments where the predominant design of the structure and intended use is such that customers or other persons availing themselves of said use may remain in their motor vehicles during all or a substantial portion of the rendering of the service."

Section 3. Section 4.14.11 of Ordinance 709 is hereby amended to read as follows:

"4.14.11

- a. Automobile repair garages and open used car sales lots for vehicles in operating condition.
- b. Upon issuance under the provisions of Section 5.6 of Ordinance 709 (Section 5 of this amendatory ordinance) of a special use permit by the City Council: gasoline service stations, car washes, drive-in restaurants and similar establishments where the predominant design of the structure and intended use is such that customers or other persons availing themselves of said use may remain in their motor vehicles during all or a substantial portion of the rendering of the service."

Section 4. Section 4.15.23 Of Ordinance 709 is hereby amended to read as follows:

"4.15.23

Upon issuance under the provisions of Section 5.6 of Ordinance 709 (Section 5 of this amendatory ordinance) of a special use permit by the City Council: gasoline service stations, car washes, drive-in restaurants and similar establishments where the predominant design of the structure and intended use is such that customers or other persons availing themselves of said use may remain in their motor vehicles during all or a substantial portion of the rendering of the service."

Section 5. There is hereby added to Chapter 5 a new section 5.6 to be entitled permitted uses requiring special permit to read as follows:

"Chapter 5.6 Permitted uses requiring special permit

5.6.1 Uses and structures requiring special permits-standards.

Whenever a use is permitted only upon application and grant of a special use permit, the Council shall consider the following before authorizing the issuance of such special use permit:

- A. The recommendation of the Planning Commission, together with additional recommendations from such city departments, boards, and commissions as the Council shall deem necessary.

B. The effect of such requested use upon the officially adopted street and traffic circulation plans of the City, and the effect upon existing and foreseeable future traffic conditions.

C. The effect of such proposed use upon the immediate area in the light of the Comprehensive Plan and the effect upon existing uses and foreseeable future development of the area.

D. The regulations and controls imposed by the fire, building, planning and zoning ordinances as to property and structures within the land use district or zone classification.

E. All other ordinances of the City which properly apply to the proposed use including the structure or structures.

F. The probable effect of such use upon any City program for development, re-development or public improvement, whether or not such program contemplates local, state or federal assistance.

G. Upon consideration of Items A through F, the Council shall determine the necessity for, and establish performance standards as to the following without limitation by reason of enumeration: regularity of operation, noise, lighting, hours of operation, parking, screening or separation, location of street access.

Section 5.6.2 Where such special use permit is granted no use shall be allowed other than the use or uses specified in such permit. Where the Council finds that such permit should issue subject to performance standards, such performance standards shall be incorporated into the Council's findings and shall be set forth in detail in the special use permit.

No occupancy permit shall issue until such performance standards have been met and the Council may require the posting of a performance bond to insure the continued compliance with all such stated performance standards.

The building inspector or other authorized City official shall forthwith revoke any occupancy permit and immediately request the Council to revoke any special permit upon the failure to comply with any such performance standards. The holder of such permit shall be entitled to notice of the action of the building inspector and to a hearing before the Council.

Section 6. Ordinance 709, the Kirkland Zoning Code, is heretofore amended and supplemented beⁿ in all other respects ratified and confirmed.

Section 7. This Ordinance was considered and recommended to the Kirkland City Council by the Kirkland Planning Commission following public hearing held before said body on the 15th day of December, 1966. A further public hearing was held before the City of Kirkland Council on the 6th day of February, 1967.

This ordinance shall be in force and take effect five (5) days after its passage, approval and legal publication.

PASSED by the Kirkland City Council at regular meeting on the 6th day of February, 1967.

SIGNED in authentication thereof on the 6th day of February, 1967.

James H. Vary
Mayor

Attest:

[Signature]
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

[Signature]
City Attorney

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