

ORDINANCE NO. 2327

ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, PLANNING AND DEVELOPMENT AND AMENDING CHAPTER 23.20 (CENTRAL BUSINESS DISTRICT ZONE) AND CHAPTER 23.24 (PARKING AND LOADING) OF ORDINANCE NO. 2183 KIRKLAND ZONING ORDINANCE

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

Section 1. Chapter 23.20 Central Business Zone (CBD) of Ordinance No. 2183 the Kirkland Zoning Ordinance be and hereby is amended to read as follows:

CHAPTER 23. 20

CENTRAL BUSINESS DISTRICT ZONE (CBD)

23.20.010 Purpose
~~23.20.020 Permitted-Uses~~
~~23.20.030 Conditional-Uses~~
~~23.20.040 Special-Provisions~~
~~23.20.050 Planned-Unit-Development~~
~~23.20.060 Area-and-Dimensional-Regulations~~
~~23.20.070 Height~~

23.20.020 Development Areas Defined
~~23.20.030 Permitted Uses~~
~~23.20.040 Conditional Uses~~
~~23.20.050 Special Provisions~~
~~23.20.060 Planned Unit Development~~
~~23.20.070 Area and Dimensional Regulations~~
~~23.20.080 Building Height~~
~~23.20.090 Off Street Parking Facilities~~

23.20.010 Purpose: The purpose of this zone is to provide for the location and grouping of miscellaneous uses with similar performance standards. These include retail businesses, professional and governmental services and recreational and cultural activities and specified residential uses. It is further the purpose of this zone to create an attractive and imaginative intermix of these uses through the creation of a shopping mall environment which will enhance pedestrian movement and shopping and will develop a focal point of activity and interest which capitalizes upon the visual beauty and natural setting of the area. To implement this development concept and to insure an appropriate intermix of uses, the Central Business

District is divided into three distinct Development Areas as specified herein. Each Development Area permits an array of activities and uses unique to the geographic location of the area. Further, the Development Areas have been defined to respond to specific requirements for the provision of off-street parking facilities, pedestrian and shopper movement within the Central Business District and vehicular access and circulation in and through the Central Business District. To this end, intensive automobile-oriented facilities should be located on the periphery of the CBD, generally south of Kirkland Avenue, north of Central Way, and east of 3rd Street.

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23.20.020

Permitted Uses -- Any of the following uses are permitted in the CBD zone, subject to all limitations and provisions contained in this ordinance.

- (1) -- Any retail enterprise dispensing food or commodities, where there is no outside storage, assembly or fabrication involved.
- (2) -- Business offices of any type of use rendering professional services or personal services to the individual.
- (3) -- Medical and dental clinics.
- (4) -- Hotels and motels.
- (5) -- Enterprises providing indoor entertainment and recreation.
- (6) -- Lodges, private clubs and fraternal societies.
- (7) -- Restaurants, taverns and cafes located indoors or out-of-doors, but not including drive-in restaurants.
- (8) -- Enclosed theatres, radio and/or television studios and assembly halls.

23.20.020
(New Section)

Development Areas Defined: The Central Business District Zone is divided into three areas defined as Development Areas A, B and C as defined below:

- (1) Development Area A: This area is bounded on the north by Central Way, on the south by Kirkland Avenue, on the east by 3rd Street and on the west by a line defined as the east property line of the public parking facility commonly known as the Lake Plaza

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parking lot, said line extended northerly to its intersection with Central Way and southerly to its intersection with Kirkland Avenue.

- (2) Development Area B: This area is bounded on the north by the most northerly extent of the Central Business District zone classification, on the south by the most southerly extent of the Central Business District zone classification, on the east by 3rd Street (and State Street as extended southerly), and on the west by Lake Washington, less that area identified as Development Area A above contained therein.
- (3) Development Area C: This area is all of the Central Business District Zone classification lying easterly of 3rd Street and State Street.

23.20.030

~~Conditional-Uses--The-following-uses-require-a Conditional-Use-Permit-from-the-City-Council.~~

- ~~(1)--Parking-lots-and-loading-areas.~~
- ~~(2)--Bus-and-taxicab-stations,-transportion shelters.~~
- ~~(3)--Dance-halls,-bowling-alleys,-skating-rinks-and similar-recreational-uses-or-places-of-assembly.~~
- ~~(4)--Public-facilities.~~
- ~~(5)--Churches,-(Subject-to-conditions-of-Section 23.08.030(3)).~~
- ~~(6)--Apartment-hotels-or-business-buildings-where any-portion--is-used-for-apartments-or-permanent living-quarters.~~
- ~~(7)--Public-utility.~~
- ~~(8)--Automobile-oriented-facilities-(Reference-Chapter 23.30-for-determination-of-Unclassified-Uses).~~
- ~~(9)--Uses-involving-outside-storage,-assembly-or fabrication.~~

23.20.030
(New Section)

Permitted Uses: Any of the following uses are permitted in the Development Areas in the CBD zone as so listed below, subject to all limitations and provisions contained in this Ordinance:

- (1) Development Area A
 - (a) Any retail commercial enterprise dispensing food, commodities or personal services, where

there is no outside storage, assembly or fabrication involved.

- (b) Business or professional offices of any type rendering professional or personal services.
- (c) Residential dwelling units, provided however, such dwelling units shall be above the first floor of the primary structure as referenced to the front property line.
- (d) Enterprises providing indoor entertainment and recreation.
- (e) Lodges, private clubs and fraternal societies, provided however that such use or uses shall be above the first floor of the primary structure as referenced to the front property line.
- (f) Restaurants, taverns and cafes located indoors or out-of-doors but not including drive-in restaurants.
- (g) Off-street parking facilities pursuant to the provisions of Chapter 23.34 of this Ordinance.

(2) Development Area B

- a. Any retail commercial enterprise dispensing food, commodities or personal services, where there is no outside storage, assembly or fabrication involved.
- b. Business or professional offices of any type rendering professional or personal services.
- c. Residential dwelling units, provided however, that residential uses shall not be permitted on the first floor of a primary structure whose access and public orientation is directly adjacent to Central Way, Kirkland Avenue or Lake Street South.
- d. Enterprises providing indoor entertainment and recreation.
- e. Lodges, private clubs and fraternal societies.
- f. Restaurants, taverns and cafes located indoors or out-of-doors but not including drive-in restaurants.

- g. Off-street parking facilities pursuant to the provisions of Chapter 23.34 of this Ordinance.
- h. New car sales facilities, including related maintenance service facilities and used car sales provided however, used car sales shall be secondary and incidental to the primary use of the new car sales and service.

(3) Development Area C

- a. Any retail commercial enterprise dispensing food, commodities or personal services, where there is no outside storage, assembly or fabrication involved.
- b. Business or professional offices of any type rendering professional or personal services.
- c. Residential dwelling units provided, however, that the maximum dwelling unit density shall not exceed the provisions of an RM-900 zone classification for the land area allocated specifically for the residential use.
- d. Enterprises providing indoor entertainment and recreation.
- e. Lodges, private clubs and fraternal societies.
- f. Restaurants, taverns and cafes located indoors or out-of-doors.
- g. Off-street parking facilities pursuant to the provisions of Chapter 23.34 of this Ordinance.
- h. New car sales facilities, including related maintenance service facilities and used car sales provided however, used car sales shall be secondary and incidental to the primary use of the new car sales and service.
- i. Automobile service stations or similar facilities as further defined in Chapter 23.46 of this Ordinance and subject to the issuance of a Conditional Use Permit.
- j. Recreational area, commercial or non-commercial.
- k. Public facilities to include governmental administrative offices, libraries, multi-purpose community centers or senior citizen centers, cultural facilities and fire and police stations.

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23.20.040 Special Provisions:--All uses allowed in the CBD zone shall be subject to the General Provisions of this Ordinance in addition to the Special Provisions as stipulated in Chapter 23.40.

23.20.040 (New Section) Conditional Uses: The following uses shall require a Conditional Use Permit subject to the requirements of Chapter 23.56 of this Ordinance. This section is applicable to all development areas where no specific reference is provided:

- (1) Any structure exceeding a height of thirty-five (35) feet above existing grade within Development Area A and B.
- (2) Any use involving outside storage, assembly, fabrication, or display of goods or commodities for sale.
- (3) Automobile Service Stations or similar facilities providing retail services primarily oriented to automobiles or other motor vehicles, and as further provided in Chapter 23.46 of this Ordinance.
- (4) Bus and taxicab stations, transportation shelters.

23.20.050 Planned Unit Development:--Planned Unit Developments as provided in Chapter 23.28.

23.20.050 (New Section) Special Provisions: All uses allowed in the CBD zone shall be subject to the General Provisions of this Ordinance in addition to the Special Provisions as stipulated in Chapter 23.40.

23.20.060 Area and Dimensional Regulations:--The following dimensional standards shall be required for all uses in the CBD zone:

Lot Area+	No Minimum
Lot Width+	No Minimum
Front Yard+	No Minimum
Side Yards+	None Required
Rear Yards+	None Required

(Ord. 2217, March 19, 1973)

23.20.060 (New Section) Planned Unit Development: Planned Unit Developments may be proposed subject to the requirements of Chapter 23.28 of this Ordinance.

23.20.070 Height:--There is no maximum height limitation, except that when a building exceeds thirty (30) feet in height, it shall be subject to a Conditional Use Permit.

23.20.070 (New Section) Area and Dimensional Regulations: The following dimensional standards shall be required for all uses in the CBD zone:

Lot Area:	No Minimum
Lot Width:	No Minimum
Front Yard:	No Minimum
Side Yards:	None Required
Rear Yards:	None Required

23.20.080 (New Section) Building Height: There is no maximum building height limitation, provided however, that Conditional Use Permits shall be required pursuant to the provisions of Section 23.20.040 of this Chapter.

23.20.090 (New Section) Off Street Parking Facilities: Off street parking facilities shall be provided in accordance with the provisions of Chapter 23.34 of this Ordinance with specific reference to Sections 23.34.030 and 23.34.031 (Special Provisions - Central Business District and Special Provisions - Central Business District Development Areas).

Section 2. Chapter 23.34 Parking and Loading of Ordinance 2183 the Kirkland Zoning Ordinance be and hereby is amended to read as follows:

CHAPTER 23.34

PARKING AND LOADING

23.34.010	General Requirements
23.34.020	Required Number of Spaces
23.34.030	In-Lieu-Parking-Spaces
23.34.030	<u>Special Provisions - Central Business District Zone</u>
23.34.031	<u>Special Provisions - Central Business District Development Areas</u>
23.34.040	Off-Street Parking Areas
23.34.050	Off-Street Loading Space
23.34.060	Mixed Occupancies
23.34.070	Cooperative Provision
23.34.080	Access to Structures
23.34.090	Parking and Storage of Recreational Equipment
23.34.100	Required Yards

23.34.010 General Requirements: Off-street parking in conjunction with all land or building uses erected, enlarged, altered, or established after the enactment of this Ordinance shall be provided prior to the issuance of a building permit, subject to this Chapter and the following provisions:

- (1) ~~Off-Street-Parking-for-other-than-residential use shall be either on the same lot or within one hundred (100)-feet-of-the-building-it-is intended-to-serve.~~

Off-street parking as herein required shall either be on the same lot for the use it is intended to serve or on a lot directly contiguous to such use, provided, however, that a contiguous site used for off-street parking shall have a zone classification which would permit the use it is intended to serve, except as specifically provided in Chapter 23.13 of this Ordinance or Section 23.34.030 of this Chapter. Property separated only by a public r/o/w shall be deemed to be contiguous.

- (2) Residential off-street parking space shall consist of a driveway, garage, or combination thereof and shall be located on the lot they are intended to serve. Single family residential off-street parking shall consist of at least two spaces. (Combination)
- (3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- (4) Off-street parking facilities existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than herein required, except as provided in Section 23.34.030.
- (5) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. Legally binding documents shall be filed with with City-Attorney Department of Community Development in cases of mutual use of parking areas.
- (6) The required off-street parking shall be for occupants, employees, visitors, patrons and shall be limited in use to parking. If operating hours do not overlap, the Board of Adjustment may grant an exception for cooperative facilities, as provided in Section 23.34.070.

23.34.020

Required Number of Spaces: The minimum number of off-street parking spaces shall be determined in accordance with the following table+ or as specifically

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provided in Section 23.34.030 as pertains to the
Central Business District:

<u>Land Use</u>	<u>No. of Parking Spaces Required</u>
Multi-Family Dwellings	2.2 for each dwelling unit
Automobile Sales & Repair	2-1/2 for each employee and a minimum of 4 spaces
Churches, Mortuaries, Funeral Homes	1 per employee and 1 for each 4 seats in the Chapel or nave (1 seat per 20" of pew)
<u>Bank, -Business-and Professional-Offices</u>	
<u>Retail Commercial Enter- prises, Business or Professional Offices</u>	1 for each 300 square feet of <u>gross</u> floor area of the building
Bowling Alleys	5 for each alley
Dance Halls, Places of Assembly, Exhibition Halls without fixed seats	1 for each 75 square feet of gross floor area of the building
Drive-in Restaurant, Ice Cream or Soft Drink Refreshment establish- ments or similar drive- in uses which service auto-borne customers outside the building	1 for each 50 square feet of gross floor area, minimum of 10 stalls
Food Stores, Markets and Shopping Centers: Having not more than 2,000 sq. ft. of gross floor area exclusive of basement	1 for each 200 sq. ft. of gross floor space area of the building
<u>Food Stores, Markets and Shopping Centers: Having more than 2,000 sq. ft. of gross floor area, exclusive of basement</u>	1 for each 300 sq. ft. of gross floor space of the building
Fraternity or Sorority or Cooperative Houses	1 for each three occupants
Hotels and Apartment Hotels	1 per each employee, 1 for each room or suite

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Sanitariums, Convalescent Homes, Nursing Homes, and Rest Homes	1 for each five regular beds plus 1 for each regular employee
Hospitals	1 for each 2 regular beds, plus 1 for each regular employee
Manufacturing Uses	1 for each 2 employees, not less than 1 per 1,000 square feet
Medical and Dental Clinics	1 for each 200 sq. ft. of gross floor area
Motels	1-1/2 for each unit
Outdoor Sports Areas or Parks without fixed Seats	Subject to review by Planning Commission
<u>Other unspecified retail commercial establishments</u>	1 for each 400 sq. ft. of gross floor area of the building providing that each must have at least 4 parking spaces, plus 1 per employee
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 use, plus one-per-employee
Rooming and Lodging Houses	1 for each two occupants
Schools: elementary and junior high (public, private or parochial)	1-1/2 per teacher or staff
High Schools	1 per teacher or staff, plus 1 per each 5 students
Colleges or Universities	
Auditoriums	1 per 6 seats
Classroom buildings	1 per 8 seats, but not less than 1 per 300 sq. ft.

Dormitories, fraternities	1 per 3 beds
Gymnasiums	1 per 150 sq. ft.
Offices	1 per 300 sq. ft.
Student Centers	1 per 150 sq. ft.

In the case of a use not specifically mentioned in this section, the requirements of off-street parking facilities shall be the same as ~~the above-mentioned~~ a use, which in the opinion of the Planning Department of Community Development shall be deemed most similar. The Planning Department of Community Development may seek the advice and recommendations of the Planning Commission prior to reaching a decision.

23.34.030

~~In-Lieu-Parking-Spaces:--Land-or-building-uses-within the-area-so-designated-in-the-comprehensive-plan-and zoned-under-this-Ordinance-as-Central-Business-District may-reduce-the-number-of-on-site,-off-street-parking spaces-required-by-this-section-when-ever:~~

~~(1)--The-land-or-building-has-theretofore-been subjected-to-a-local-improvement-district-assessment-for-construction,-development-or-improvement-of-a-public-parking-facility-pursuant-to Ordinance-No.-2110-(adopting-a-comprehensive plan-for-certain-off-street-parking-facilities and-authorizing-and-approving-methods-of-financing,-including-the-formation-of-Local-Improvement-Districts),~~

~~(2) The-land-or-building-has-theretofore-been credited-with-a-contribution-toward-such public-parking-facility-in-lieu-of-an-assessment-as-provided-by-Ordinance,-~~

~~The-number-of-parking-spaces-for-which-contribution-or-assessment-credit-may-be-claimed shall-bear-the-same-proportion-to-the-total number-of-spaces-within-such-public-parking facility-as-the-assessment-or-contribution shall-bear-to-the-total-cost-of-the-public parking-facility-project,-provided,-however, that-the-total-number-of-parking-spaces claimed-against-a-public-parking-facility as-total-lands-or-buildings-so-claiming shall-not-exceed-120-percent-of-the-total number-of-parking-spaces-within-such-facility-~~

23.34.030
(New Section)

Special Provisions - Central Business District:
All uses of land or buildings within the Central Business District zone classification shall be

subject to the following conditions and provisions related to off-street parking facilities:

- (1) The minimum number of off-street parking spaces shall be determined in accordance with the following:
 - (a) All uses of land or buildings in existence prior to the effective date of this amendment shall provide twenty-five per cent (25%) of the required number of parking spaces as provided in Section 23.34.020 of this Chapter, pursuant to the conditions and provisions of this Section.
 - (b) All new uses of land and all new structures subsequent to the effective date of this amendment shall provide the following required number of parking spaces pursuant to the provisions of this Section:

<u>Land Use</u>	<u>No. of Parking Spaces Required</u>
Retail Commercial Enterprises, Business or Professional Offices	1 for each 350 sq. ft. of gross floor area of the building
Restaurants, taverns and any establishment for the sale and consumption within a building of food, alcoholic beverages, or refreshments	1 for each 125 sq. ft. of gross floor area of the use.
All other permitted uses	Subject to the provisions of Section 23.34.020 of this chapter.

- (2) Existing residential uses within the Central Business District prior the effective date of this amendment shall be subject to the provisions of this section upon the expiration of five (5) years from the effective date of this amendment.

23.34.031
(New Section)

Special Provisions - Central Business District Development Areas: The provision of required off-street parking within the Central Business District Development Areas shall be as hereinafter provided

(reference Section 23.20.020 of this Ordinance for a definition of the Development Areas):

(1) Development Area A:

- (a) For existing structures within Development Area A, the total required number of parking spaces shall be provided through the provisions of the fee-in-lieu of parking ordinance, Ordinance No. 0-2326. No part of the required number of parking spaces may be physically provided on site.
- (b) Existing structures which have previously provided on-site, off-street parking within Development Area A may propose to relocate such parking facility within Development Area A within ten (10) years from the effective date of this amendment, provided however, that any relocation of existing parking shall be limited to the same number of parking stalls originally provided on-site, to an alternative site which is a contiguous ownership to the original use it has served, and further provided that such proposal shall be subject to the issuance of a Conditional Use Permit. An application for a Conditional Use Permit shall demonstrate that a relocation of existing parking complies with the provisions of Section 23.56.050 of this Ordinance. Upon the expiration of ten (10) years from the effective date of this amendment, existing on-site, off-street parking in Development Area A shall not be relocated within Development Area A. Such off-street parking eliminated due to redevelopment or expansion of existing structures shall be provided through the fee-in-lieu of parking ordinance, Ordinance No. 0-2326.
- (c) New structures and additions and enlargements to existing structures within Development Area A shall provide the total number of required parking spaces through the provisions of the fee-in-lieu of parking ordinance, Ordinance No. 0-2326. No part of the required number of parking spaces may be physically provided on-site.

(2) Development Area B:

- (a) Existing structures and uses in Development Area B shall provide the total number of required off-street parking spaces either through

the provisions of the fee-in-lieu of parking ordinance, No. 0-2326 or directly on the site of the improvement in conformance with the provisions of this chapter. Any combination of either alternative way be proposed, so long as the combination of either option equals the provision of the total off-street parking requirement. The election of either option, or a combination of options, identified herein shall be made at the time of the initial certification requirement as provided in the fee-in-lieu of parking ordinance, Ordinance No. 0-2326.

- (b) An owner of an existing structure and/or use who elects to provide all or a part of the required off-street parking directly on the site of the improvement as defined in Section 23.34.010(1) shall verify that such improvement will be approved and installed within six (6) months subsequent to the initial certification as required in the fee-in-lieu of parking ordinance, Ordinance No. 0-2326. If such facility improvement is not completed as required herein, the provisions of the fee-in-lieu of parking ordinance, Ordinance No. 0-2326 shall be enforced as specified by the initial certification requirements contained therein.
- (c) New structures and additions and enlargements to existing structures in Development Area B subject to the same provisions for existing structures and uses as specified in Section 23.34.031(2)(a).

(3) Development Area C:

- (a) Existing structures and uses within Development Area C shall provide required off-street parking subject to the provisions of Section 23.34.010 and 23.34.020 of this chapter, provided however, that upon the expiration of five (5) years from the effective date of this amendment, all existing uses which have not provided off-street parking in conformance with this chapter shall be subject to the provisions of Development Area B as herein required.
- (b) New structures and additions and enlargements to existing structures in Development Area C subject to the same provisions as Section 23.34.031(3)(a) and those provisions for new structures and enlargements and additions to

existing structures as contained in Section 23.34.031(2)(b).

23.34.040

Off Street Parking Areas: The following requirements shall pertain to off-street parking areas:

- (1) The party developing an off-street parking area shall submit a plan of the parking area showing adjacent streets, circulation of traffic, drainage, lighting, landscaping, fencing and screen planting to the City-Planning Department of Community Development for their approval.
- (2) Minimum Dimensions: Off-street parking area dimensions shall be not less than as shown on Plates 1, 2, and 3 in the Appendix of this Ordinance. Where specific dimensional criteria is not provided on the aforementioned plates, minimum design standards approved by the Institute of Traffic Engineers shall be used as a guide.
- (3) Ingress and egress to the parking lot or area must be provided subject to approval by the City Engineer Department of Community Development.
- (4) Construction: All required off-street parking areas shall be surfaced to a standard comparable to the public street providing access thereto. A parking area shall be developed and completed to the required standards before an occupancy permit for the building is used. All traffic control devices such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs and other developments improvements, shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate car stalls and direction of traffic. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed, or raised 6 inches above the lot surface.
- (5) Driveway Dimensions and Slopes: All driveways shall require a minimum width of 12 feet and a 3 foot minimum wide sidewalk when adjoining a building, curbed or raised 6 inches above the driveway surface.
- (6) Parking Area, and Parking Area Entrance and Exit Slopes: The slope of accessory off-street parking areas shall not exceed 5 percent. The slope of entrance and exit driveways providing access to public streets for accessory off-street parking areas shall not exceed 15 percent.

(7) Landscaping: Off-street parking areas and areas designated for refuse disposal and pickup shall be screened by means of landscaping in accordance with Section 23.34.100 when applicable and Chapter 23.40 of this Ordinance. The Planning Department of Community Development may require bonds to insure that the required landscaping elements are installed and maintained properly.

23.34.050 Off Street Loading Space: 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. 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 shall extend in the public thoroughfare when using the loading space.

23.34.060 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.

23.34.070 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 the total combined parking area is not less than 10,000 square feet. Where adjoining parking facilities of two 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 square feet 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 irrespective of the size of the parking area when the times during which such facilities are used are not conflicting, further provided however, that this provision shall only be permitted upon the filing of a certified statement as to hours of operation with the Department of Community Development. Certificates of Occupancy shall be appropriately conditioned in accordance with the certification so filed.

23.34.080

Access to Structures: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safer and convenient access for servicing, fire protection, and required off-street parking.

23.34.090

Parking and Storage of Recreational Equipment: For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the primary residential structure and obscured from the street, provided, however, that this provision may be modified by the Board of Adjustment under the following conditions:

An application shall be filed before the Board of Adjustment indicating that:

- (1) The strict application of this provision would exhibit a hardship in terms of the criteria of Section 23.60.010 of this Ordinance;
- (2) The applicant would propose an alternative method of screening and landscaping where the recreational equipment will be parked which will demonstrate that the quality of the immediate neighborhood would be maintained (Reference provisions of Chapter 23.40 as a guide).

Such equipment may be parked anywhere on residential premises but not to exceed 24 hours.

23.34.100

Required Yards: No parking shall be allowed in required yards, provided, however, that this restriction may be modified by the Planning Department under the following conditions:

- (1) Perimeter landscaping may be proposed subject to the minimum requirements of Section 23.40.060(1).
- (2) Maintenance and visibility at intersections shall be complied with (reference Section 23.40.020 and 23.40.030). A maintenance bond as provided for in Section 23.40.130 shall be required.

- (3) The landscaping alternative provided herein shall demonstrate a superior solution to more restrictive setbacks in terms of additional amenities and overall aesthetic qualities. The Planning Department, in applying this alternative, may modify to a greater or lesser extent the strict provision of Section 23.40.060(1) in approving a landscape plan which meets the objectives herein stated.

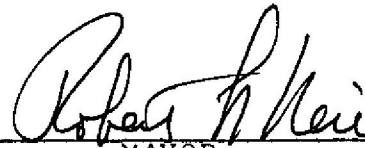
Section 3. Chapter 23.42 Residences in Central Business District (CBD) Zone of Ordinance No. 2183 is hereby repealed.

Section 4. Houghton Community Council jurisdiction. To the extent that the subject matter and provisions of this amendatory ordinance may be within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001 this ordinance shall become effective within the Houghton Community either upon approval of the Houghton Community Council or failure of said Community Council to disapprove within sixty (60) days of the date of passage of this ordinance.

Section 5. Effective date. Except as provided in Section 4 this ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

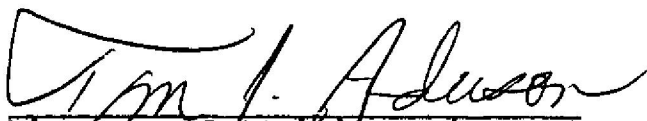
PASSED BY THE KIRKLAND CITY COUNCIL at regular meeting on the 20th day of September, 1976.

SIGNED IN AUTHENTICATION thereof on the 20th day of September, 1976.



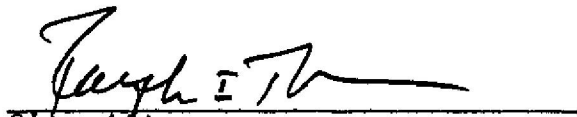
MAYOR

ATTEST:



Director of Administration and
Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney