

## ORDINANCE NO. 2413

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AMENDING CHAPTERS 23.20 AND 23.34 OF ORDINANCE NO. 2183 AS AMENDED, THE KIRKLAND ZONING ORDINANCE.

WHEREAS, there has been filed by the City of Kirkland proposal for amendment to Chapters 23.20 and 23.34 of Ordinance No. 2183 as amended, the Kirkland Zoning Ordinance.

WHEREAS, said proposal was made pursuant to the authority and procedures described in Section 23.62 of Kirkland Ordinance 2183 as amended, and

WHEREAS, an Environmental Checklist was prepared and amended and a Final Declaration of Non-Significance was made by the responsible official pursuant to the requirements of the Environmental Policy Act (RCW 43.21C; WAC Chapter 197-10; and Kirkland Ordinance No. 2319) and this was available throughout the entire review process; and

WHEREAS, said environmental information, accompanied by the findings, conclusions and recommendations of the Department of Community Development accompanied said application and was made available to be considered by the Kirkland Planning Commission during the normal review and consideration process; and

WHEREAS, said advisory body held a public hearing on this proposal and has forwarded to the City Council a report with a recommendation for approval;

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

Section 1. Section 23.20.030 (1), (b) of Ordinance No. 2183, as amended, is hereby amended to read as follows:

- (b) Those business or professional offices of any type rendering professional or personal services that are dependent upon some ancillary retail commercial enterprise may be on the ground floor. All other business or professional offices are permitted above the first floor of the primary structure as referenced to the front property line.

Section 2. Section 23.20.030 (1), (h) of Ordinance No. 2183, as amended, is hereby added to read as follows:

- (h) Notwithstanding anything in this section, the following uses are prohibited in Development Area A:
- (i) The display or storage of new or used motor vehicles.
  - (ii) Any use or part of a use that provides service to motor vehicles.
  - (iii) Any use or part of a use that provides goods or services to a customer in a motor vehicle including but not limited to uses with a drive-in window.

Section 3. Section 23.20.040(5) of Ordinance No. 2183, as amended, is added as follows:

- (5) Off-street parking facilities, or portions thereof, so long as the location and design of such facility is consistent with the CBD Master Plan and Design Patterns as provided in the Land Use Policies Plan.

Section 4. Section 23.20.090 of Ordinance No. 2183, as amended, is hereby amended to read as follows:

~~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).~~

Off-Street Parking Facilities: Off-street parking facilities shall be provided in accordance with the provisions of Chapter 23.34 of this Ordinance with special reference to Sections 23.34.030 and 23.34.031. The provision of new on-street or off-street parking or the improvement of any existing on-street or off-street parking within the Central Business District shall, in addition to the provisions of this Ordinance, be consistent with the Master Plan and Design Patterns for the CBD as provided for in the Land Use Policies Plan.

Section 5. Section 23.34.030 of Ordinance No. 2183, as amended, is hereby amended to read as follows:

~~23.34.030-----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-percent-(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.~~

23.34.030

Required Number of Spaces - 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:

NOTE TO  
READER:

the  
provisions  
of sub-  
sections  
(1) and (2)  
expire on

(1) Within three (3) years of the effective date of this amendatory provision, any property owner within Development Area A or B may develop or redevelop a one-floor structure with no off-street parking requirement when:

September 23, 1981.

(a) the property to be developed or redeveloped is within a Local Improvement District formed after the effective date of this amending provision and formed for the purpose of developing a parking facility, or portion thereof, as identified in the CBD Master Plan (Ordinance No. 0-2412); and

(b) the structure to be developed or redeveloped includes, at the least, a ground-floor level; and,

(c) the use or uses within the structure to be developed or redeveloped are:

(i) Limited to office or retail uses, subject to 23.20.030(1) or 23.20.030(2), if the ground-floor structure is newly created floor area; or,

(ii) Limited to uses which are not more parking intensive than existed immediately prior to the filing of a building permit application, if the ground-floor structure is existing floor area. If the existing floor area is vacant, then it shall be considered as office or retail floor area for the purpose of this section; and

(d) the provisions of Section 23.34.030(3)(b) are met.

For the purpose of this section, a "one-floor structure" is intended to permit a structure on a lot subject to the Area and Dimensional Regulations of Section 23.20.070. The floor area of any structure which is in excess of this provision (such as a second or third floor level) and which is either newly developed or re-developed floor area shall be subject to the provision of off-street parking as provided in Section 23.34.030(3) below. As an alternative to the use restrictions in sub-section (c) above, the following provision may be used: If a use or uses proposed in a one-floor structure require a parking ratio greater than office or retail uses, then the difference in the off-street parking requirement between an office/retail use and the proposed use or uses shall be provided in accordance with Section 23.34.030(3) below.

- (2) Within three (3) years of the effective date of this amendatory provision, any property owner within Development Area A or B may redevelop or rehabilitate a one-floor structure with no off-street parking requirement when:
- (a) An existing structure on the same property is damaged or destroyed by fire or other casualty and the use or uses permitted in the new or rehabilitated ground-floor level are not more parking intensive than existed immediately prior to the filing of a building permit application. If the existing floor area was vacant at the date it was damaged or destroyed, then it shall be considered as office or retail floor area for the purpose of this section. Floor area in excess of the "one-floor provision herein shall be subject to the provision of off-street parking as provided in Section 23.34.030(3) below; and,
  - (b) The property to be redeveloped or rehabilitated is within a Local Improvement District formed after the effective date of this amending provision and formed for the purpose of developing a parking facility, or portion thereof, as identified in the CBD Master Plan.(Ordinance No. 0-2412); and
  - (c) The structure to be redeveloped or rehabilitated includes, at the least, a ground-floor level.
- (3) If the provisions of Section 23.34.030(1) or (2) above do not apply, then the minimum number of off-street parking spaces shall be determined in accordance with the following:
- (a) Existing structures within the Central Business District zone shall not be required to provide additional off-street parking spaces beyond that which has been provided at the effective date of this provision.
  - (b) The number of off-street parking spaces for existing structures or uses which existed at the effective date of this provision may not be reduced. However, if the number of off-street parking spaces for a structure or use exceeds that which is required as of the effective date of this provision, then that excess may be eliminated. Existing off-street parking spaces may be relocated on a site so long as the relocation of spaces is consistent with the Master Plan and design standards for the CBD as referred to in Ordinance 2412.

(c) Whenever the use of any portion of the floor area of an existing structure is proposed to be changed to a use which requires more off-street parking spaces than the current use, or the previous use in the event the structure is vacant, such floor area shall be subject to the provisions of Section 23.34.030(d) regarding new floor area and the provision of off-street parking spaces.

(d) For all newly created floor area, which shall include new structures, additions and enlargements in floor area of existing structures, or the improvement of any area within an existing structure which has never previously been used as floor area for a use permitted in the CBD zone, the requirement for off-street parking spaces shall be provided on-site in accordance with this ordinance, provided, however, that off-street parking, within Development Areas A and B shall be provided in accordance with Section 23.34.031 of this ordinance, and shall be computed in accordance with this Section:

~~(2) -- Existing residential uses within the Central Business District prior to 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.~~

(4) Any existing structure which may be damaged by fire, natural disaster, or other unforeseen casualty shall provide off-street parking in accordance with Section 23.34.031 herein only if the value of the repairs exceed 50% of the value of the structure prior to damage. Provided, however, that any assessment, or portion of an assessment, as a part of a local improvement district for parking facilities or the provision of funds in accordance with Section 23.34.031(2) of this chapter, may be deducted from the financial obligation as defined in Section 23.34.031(2) if the financial option is selected to provide required parking.

Section 6. Section 23.34.031 of Ordinance No. 2183, as amended, is hereby amended to read as follows:

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 23.20.029 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 may 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 Sections 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(2)(a) and those provisions for new structures and enlargements and additions to existing structures as contained in Section 23.34.031(2)(b).

Central Business District (CBD Zone) Off-Street Parking Options: Off-street parking spaces required to be provided in Development Areas A and B of the Central Business District Zone (see Chapter 23.20 for the definition of Development Areas) may be provided by one of two major Options, or a combination of both Options, as herein defined, so long as the Option or combination of Options selected satisfies the total off-street parking requirement. The selection of an Option or combination of Options may be changed or modified in accordance with the provisions of Option 1 or 2 below. A property owner shall declare which method within either Option, or combination of Options, shall be used to satisfy the off-street parking requirement of this Chapter prior to the issuance of a Building Permit. The Options include the following:

- (1) OPTION 1 - Provision of off-street parking spaces, in accordance with the design requirements of Chapter 23.68, as follows:
- (a) Any portion of the required off-street parking spaces may be met by providing parking spaces off-site on property that is under the same ownership, provided that such off-street parking spaces shall be within the limits of development areas A or B; or,
  - (b) Any portion of the required off-street parking spaces may be met by the provision of such spaces on-site, provided however, that within Development Area A no more than 25% of the required off-street parking spaces may be provided on site. Such off-street parking stalls in Development Area A or B shall be consistent with the design criteria contained in the Master Plan and Design Patterns for the Central Business District as provided for in the Land Use Policies Plan; or,
  - (c) Any portion of the required off-street parking spaces may be provided cooperatively through a private parking program which provides parking spaces not already existing at the effective date of this provision. Evidence of a mutual agreement, duly recorded, shall be provided the Department of Community Development. Such agreement shall describe the nature of the parking facility, those properties with an interest in said facility, the extent of each property owner's interest, and that said facility is intended to exist in perpetuity as an off-street parking facility to the benefit of the properties therein named.

The provision of any portion of the required off-street parking spaces may be deferred for a period of up to three years from the date of issuance of a Certificate of Occupancy (issued in accordance with the Uniform Building Code, as adopted) for the use served by the parking facility. The off-street parking spaces so



## (1) (Cont'd)

deferred shall be provided by the end of the third year or the owner shall then demonstrate in which of the other herein enumerated methods (in either Option of this Section) this requirement shall be met. If this declaration by a property owner is not on record with the Department of Community Development within ninety days prior to the expiration of the three year deferral period, the Department of Community Development shall initiate proceedings to revoke the Certificate of Occupancy issued to the owner in accordance with the provisions of the Uniform Building Code, as adopted.

(2) OPTION 2 - Provision of Funds. The requirement to provide off-street parking spaces can be converted to a financial obligation by multiplying the number of spaces required for the proposed use times a "value per stall" as provided for in Ordinance No. O-2410. This financial obligation, if this Option is selected, shall be met through any one or a combination of the following alternatives which satisfies the total obligation:

- (a) Any percentage of the financial obligation may be provided cooperatively through participation in a Local Improvement District or similar public program for the provision or improvement of off-street parking which may be formed subsequent to the adoption of this provision. Under this alternative, the total assessment owed by a property owner may be deducted from the financial obligation to determine the remaining obligation. The Local Improvement District may include directly-related improvements such as drainage, lighting, landscaping, and street furniture, so long as such improvements bear a reasonable relationship to the parking facility.
- (b) Any percentage of the financial obligation may be met by depositing such financial obligation into the Central Business District Off-Street Parking and Public Improvement Cumulative Reserve Fund to be administered by the City in accordance with the Master Plan and design patterns for the Central Business District as provided for in Ordinance No. O-2412. Any deposits in accordance with this sub-section or sub-section (a) above, shall be irrevocable and non-refundable. For the purpose of any Local Improvement District, as described in sub-section (a) above, which may be formed subsequent to any deposit

(2) (b) (Cont'd)

as provided herein, the assessment technique used shall consider the subject property which made the deposit as having fully conformed to the zoning requirements for off-street parking. Further, when considering benefit, the assessment technique shall consider the amount of monies deposited by any property in accordance with this option so as to prevent an unreasonable financial burden upon a property for parking facilities.

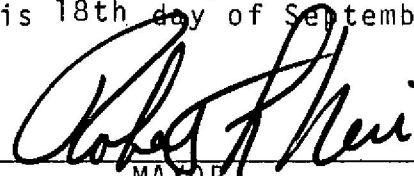
Any percentage of the financial obligation may be met by deferring such obligation for a maximum period of three years from the date of issuance of a Certificate of Occupancy for the use served by the parking facility, in accordance with the Uniform Building Code, as adopted. Such financial obligation, so deferred, shall be paid into the Central Business District Off-Street Parking and Public Improvement Cumulative Reserve Fund as provided for in Ordinance No. 0-2410 at the end of the third year unless the owner can then demonstrate and record with the Department of Community Development in which of the other herein enumerated methods (in either Option of this Section) this requirement shall be met. If this information is not on record with the Department of Community Development within 90 days prior to the end of the third year of such deferral period, then the Department of Community Development shall initiate proceedings to revoke the Certificate of Occupancy issued to the owner in accordance with the provisions of the Uniform Building Code, as adopted.

Section 7. Section 23.34.040(3) of Ordinance No. 2183, as amended, is hereby amended to read as follows:

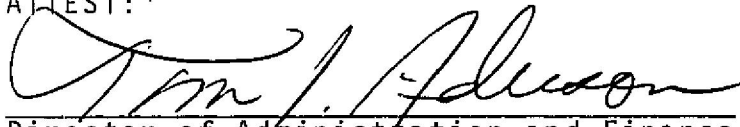
Ingress and egress to the parking lot or area must be provided subject to approval by the Department of Community Development. Furthermore, any private off-street parking in Development Area "A" shall have ingress and egress directly onto Central Way, 3rd Street, or Kirkland Avenue only. This provision does not apply to a facility provided by a cooperative or publicly sponsored program which is subject to the Master Plan and Design Patterns as provided for in the Land Use Policies Plan.

Section 8. This ordinance shall become effective five (5) days from and after its passage, approval and publication.

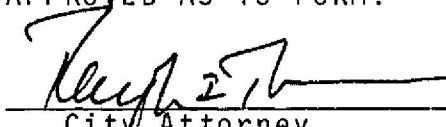
PASSED by the City Council of the City of Kirkland and signed in authentication thereof by the Mayor at a regular meeting of said Council held this 18th day of September, 1978.

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney