

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO HOME OCCUPATIONS AND AMENDING ORDINANCE NO. 2386.

WHEREAS, residents of the City of Kirkland should be allowed to conduct Home Occupations in their own homes whenever this will not significantly interfere with the rights of surrounding residents or violate an established policy of the City; and

WHEREAS, the present provisions governing when the City may issue a permit for a Home Occupation may under some circumstances preclude a home occupation that will not interfere with the rights of surrounding residents or violate an established policy of the City; and

WHEREAS, An Environmental Checklist was prepared and a Final Declaration of Non-Significance was made pursuant to the requirements of the State Environmental Policy Act (RCW 43.21C; WAC 197-10; and Kirkland Ordinance No. 2319). This Checklist and Declaration of Non-Significance were available to the Development Code Commission at the public hearing held on this issue. The Development Code Commission considered this information in formulating its recommendation to City Council, and City Council considered this information in taking final action on this recommendation.

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

Section 1.

Section 4 of Ordinance No. 2386 is amended to read as follows:

Section 4. Home Occupations - Administrative Review and Approval

A Home Occupation Permit may be issued by the Director of the Department of Community Development based upon review and approval by the Development Review Committee. The Committee shall approve a Home Occupation application when if, based on its review and consideration, it finds a Home Occupation:

a) That the Home Occupation --

- a 1) Will be carried on exclusively by a member or members of the family residing in the dwelling unit.
- b 2) Is clearly incidental and secondary to the use of the property for dwelling purposes and does not exceed more than 10% of the living area of the dwelling unit.
- c 3) Has or requires no outside storage nor exterior indication of the Home Occupation.
- d 4) Does not require the installation of heavy equipment, power tools, or power sources not common to a residential dwelling.
- e 5) Does not require truck pick up or delivery.
- f 6) Does not create noise, dust, glare, vibration, odors, smoke, or other adverse impacts to the residential area.

- g 7) Does not create a level of parking demand beyond that which is normal to a residential area.
- h 8) Does not include retail sales as a primary activity; or
- b) That, while not meeting one or more of the criteria listed in paragraph a) of this Section, the Home Occupation --
- 1) Will not harm the character of the surrounding neighborhood,
 - 2) Will not interfere with the rights of any nearby residential use; and
 - 3) Will not violate any established policy of the City.

~~The Committee may impose conditions on the home occupation permit to assure that the above provisions are met and adhered to during the continuance of the permit activity. -- A home occupation permit shall terminate forthwith when the holder thereof moves from the residence in which the Home Occupation is located and for which the permit was granted.~~

When the Committee approves a Home Occupation Permit, it shall establish a date after which the City may initiate a Hearing to determine if the home occupation still meets the provisions of this Ordinance. Furthermore, a Home Occupation Permit shall terminate automatically when the holder of the permit moves from the residence in which the Home Occupation is located and for which the permit was granted. The Committee may impose additional conditions on the Home Occupation Permit to assure that the provisions of this Ordinance are met.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. To the extent that the subject matter and provisions of this Ordinance are within the disapproval jurisdiction of the Houghton Community Council, as created by Ordinance 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 from the date of passage of this Ordinance.

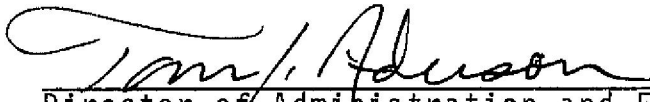
Section 4. Except as provided in Section 3, this Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY THE KIRKLAND CITY COUNCIL IN REGULAR MEETING ON THE
18th day of December, 1978.

SIGNED IN AUTHENTICATION THEREOF on the 18th day of
December, 1978.


MAYOR

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney