

AN ORDINANCE OF THE CITY OF KIRKLAND PERTAINING TO LAND USE, ZONING AND RELATED MATTERS, AND AMENDING ORDINANCE 2740.

WHEREAS, the City Council did adopt a new Zoning Code by Ordinance 2740 on September 20, 1982; and

WHEREAS, during the first several months of using this new Zoning Code, several problems have come to light which should be corrected; and

WHEREAS, an Environmental Checklist was submitted on this proposed project on January 10, 1983. The Responsible Official evaluated this proposal and issued a Declaration of Non-Significance on January 17, 1983. This environmental information was made part of the record and accompanied this proposed amendment throughout its consideration by the Houghton Community Council, Planning Commission, and City Council; and

WHEREAS, the Houghton Community Council considered this proposed ordinance on January 25, 1983. The Planning Commission held a Public Hearing and considered this proposed ordinance on February 3, 1983. The Houghton Community Council and the Planning Commission both recommend that City Council adopt this Ordinance; and

WHEREAS, City Council has approved Ordinance No. 2740, which repealed the version of the new Zoning Code adopted in Ordinance No. 2678 and replaced it with a version that contains certain typographical, technical and other changes; and

WHEREAS, City Council considered this proposed ordinance on 2/22/83 and concluded that it would be within the public interest and consistent with the Comprehensive Plan to adopt it.

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

Section 1: Section 1.05.3 of Ordinance 2740 is hereby amended to read as follows:

3. Each of these Use Zone Chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, certain uses are listed specifically (e.g. "Retail Variety or Department Store" in Neighborhood Business zones. In other zones, uses are listed generally (e.g. "Any Retail Establishment...Selling Goods or Providing Services..." in Community Business Zones. In many cases, the general listing encompasses what could otherwise be numerous separate uses.

Uses and activities that fall under the definition of "Adult Entertainment Use or Activity" are not permitted except as allowed in Chapter 72 of this Code.

Section 2: Section 1.05.3 of Ordinance 2740 is hereby amended by repealing Paragraph 9 thereof and renumbering Paragraphs 10 through 24 to be Paragraphs 9 through 23 respectively.

Section 3: Section 5.10.20 of Ordinance 2740 is hereby amended to read as follows:

20. Adjoining - Property that touches or is directly across a street, other than a major arterial, from the subject property. For the purpose of height regulations, if a structure is more than 100 feet from a low density zone it is not considered as adjoining that zone.

Section 4: Section 5.10 of Ordinance 2740 is hereby amended by adding a new Section 612 to read as follows:

612 Ordinary High Waterline - This term has the same meaning as "High Waterline".

Section 5: Section 5.10.720 of Ordinance 2740 is hereby amended by renumbering Paragraphs a through f to be Paragraphs 1 through 6.

Section 6: Section 5.10.775 of Ordinance 2740 is hereby amended by renumbering Paragraphs a through f to be Paragraphs 1 through 6 respectively.

Section 7: Section 50.11.4.b of Ordinance 2740 is hereby amended to read as follows:

- b. By paying \$6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade on-street or municipal off-street parking within the CBD zone.

Section 8: Section 50.16.4 of Ordinance 2740 is amended by adding a new Paragraph c to read as follows:

- c. By paying \$6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade on-street or municipal off-street parking within the CBD zone.

Section 9: Section 50.25.e of Ordinance 2740 is hereby amended by repealing Special Regulation 8 for the use listing of "Office Uses excluding Veterinary Offices which are not permitted in this zone" as shown below:

Directions: FIRST, read down to find USE...
THEN, across for REGULATIONS

USE ZONE CHART

Zone	Section
CBD-D	50.25.e

REGULATIONS USE		Directions: FIRST, read down to find USE... THEN, across for REGULATIONS											Zone CBD-D		Section 50.25.e	
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS					MAXIMUMS					SPECIAL REGULATIONS		
				FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES				
Office Uses, excluding Veterinary Offices which are not permitted in this zone.	Process IIB Chapter 152	None	0' See also Spc. Reg. #6	0'	0'	The greater of-- a. 15' or b. 15% of the average parcel depth See also Special Regulation #7 The minimum dimension of any yard other than those listed, is 0'.	100%	41' above average building elevation	See Spc. Reg. #5	D	1 per each 350 sq.ft. of gross floor area	1. No structures, other than moorage structures, may be waterward of the high waterline. For the regulation regarding moorages, see the moorage listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas. 3. The following regulation applies only if the subject property abuts the west side of Lake Street South and contains more than 5,000 square feet of lot area: A contiguous piece equal to 20% of the average parcel width must be open and free of all buildings and be developed as a public use area and open view corridor. The design of the public use area is to be specifically approved by the City. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor from Lake Street given development on adjacent properties. 4. The design of the site must be compatible with the scenic nature of the waterfront. 5. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer. 6. Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line 1 foot for each 5 feet that portion exceeds 30 feet above average building elevation. 7. Balconies may extend up to 4' into the high waterline yard if it is at least 15' above finished grade. 8. Any portion of a structure that exceeds 20 feet above average building elevation must be set back from the front property line 1 foot for each 5 feet that portion exceeds 20 feet above average building elevation. 9. See Section 26 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.				
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Footnotes

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For details of the regulations in this category, see Chapter 95.
- For details of what may exceed this height limit, see Chapter 115.
- For details regarding required yards, see Chapter 115.
- This development may also be regulated under the City's Shoreline Master Program; consult that document.
- May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

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Section 10: Chapter 5 of Ordinance 2740 is hereby amended by addition of the following Section:

5.10.22 Adult Entertainment Activity or Use - All of the following:

- a. Adult theatre means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.862 and 5.10.863) for observation by patrons therein and which excludes minors by virtue of age.
- b. Adult bookstore means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.862 and 5.10.863) and which excludes minors by virtue of age.
- c. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize specific anatomical areas (defined in Sections 5.10.863) and/or whose performance or other activities include or mimic specified sexual activities (defined in Section 5.10.862) and which establishment excludes minors by virtue of age.

5.10.862 Specified sexual activities - All of the following:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;

- c. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.

5.10.863 Specified anatomical areas - Both of the following:

- a. Less than completely and opaquely covered:
- 1) Human genitals, pubic region;
 - 2) buttock;
 - 3) breast below a point immediately above the top of the areola;
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Section 11 - Ordinance 2740 is amended by adding a new Chapter 72 to read as follows:

CHAPTER 72 - ADULT ACTIVITIES OVERLAY ZONE

<u>72.05</u>	<u>User Guide</u>
<u>72.10</u>	<u>Designation - Required Review</u>
<u>72.15</u>	<u>Designation - Who May Apply</u>
<u>72.20</u>	<u>Designation - Criteria</u>
<u>72.25</u>	<u>Effect - General</u>
<u>72.30</u>	<u>Effect - Uses Allowed</u>
<u>72.35</u>	<u>Effect - Development Standards</u>
<u>72.40</u>	<u>Effect - Bonds</u>

72.05 User Guide

This Chapter establishes a mechanism for designating certain areas or improvements in the City for adult entertainment uses or activities normally not permitted within the City. This Chapter also contains regulations that govern the nature and extent of adult entertainment uses or activities in those designated areas.

Various places on the Zoning Map contain an "AE" within dashed lines. This indicates that the area has been designated as an adult entertainment overlay zone where special regulations apply. These special regulations add to and in some cases supercede the other regulations of this Code.

If you are interested in proposing that an area be designated as an Adult Entertainment Overlay zone or if you wish to participate in the City's decision on a proposed designation you should read Section 10 through 20 of this Chapter.

If you are interested in conducting an adult entertainment use or activity in an area designated as "AE" or if you wish to participate in the City's decision on a proposed use or activity in an area designated as "AE" you should read Section 25 through 35 of this Chapter.

72.10 Designation - Required Review

The City will review and decide upon each application to designate an area as an Adult Entertainment Overlay zone on the Zoning Map, using the non-project quasi-judicial rezone provisions of Chapter 130 of this Code.

72.15 Designation - Who May Apply

Any person may apply to designate property as an Adult Entertainment Overlay zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 155 of this Code, the provisions of this section govern.

72.20 Designation - Criteria

The City may approve the designation of an area as an Adult Entertainment Overlay zone only if it finds that--

- a. The applicable criteria of Chapter 130 of this Code are met; and
- b. The underlying zone for such area is either BC, CBD or within a planned area where either commercial or theatre uses are specifically permitted uses with no review process required; (see column 2 of applicable use zone charts); and
- c. The proposed designation will not conflict with the policies of the Comprehensive Plan to such a degree as to be contrary to the public interest, health, safety or welfare, nor be injurious to nearby properties.

72.25 Effect - General

If the City Council enacts an ordinance designating an area as an Adult Entertainment Overlay zone an "AE" will be placed on the area on the Zoning Map. Any development or use of property designated as an Adult

Entertainment Overlay zone must comply with Section 25 through 35 of this Chapter. To the extent that the provisions in Section 25 through 35 of this Chapter conflict with any other requirements of this Code, the provisions of this Chapter govern. Where no conflict exists, the other requirements of this Code apply.

72.30 Effect - Uses Allowed

The following uses may be permitted in an "AE" Overlay zone:

1. The applicant may propose any use that is permitted in the underlying zone. The City will review and decide upon this use based on the provision of this Code as if the "EA" Overlay zone did not exist.
2. The applicant may propose an adult entertainment activity or use. The City shall review and decide upon the proposed use or activity using Process III, described in Chapter 155 of this Code. The City may approve an adult entertainment use or activity if--
 - a. The building or part of a building containing the proposed use or activity is located no closer than 1500 feet to the subject property of any school, public park, athletic or recreation center, or establishment, which establishment caters to or is attended in substantial part by minors; or
 - b. The applicant can show, by clear and convincing evidence, that there is no location in the City that would comply with Sections 20 and 30.2.a of this Chapter.

72.35 Effect - Development Standards

1. There may be no outside pictorial or other visual display that will be mounted within view of the general public other than the name of the establishment, a statement identifying the establishment as an adult entertainment establishment (which statement may contain no more than four words) and the street address.
2. The City shall establish with respect to any adult entertainment activity or use requirements for signs and parking which requirements may vary to a moderate degree from the sign and parking requirements which would otherwise be required by this Code, provided that the City determines that

such variations are necessary in the interest of
the public health, safety and welfare and to
protect nearby properties from injury.

72.35 Effect - Bonds

The City may require a bond under Chapter 175 of this
Code to insure compliance with this Chapter.

Section 12: Section 85.15 of Ordinance 2740 is hereby
amended to read as follows:

Specific Use and Development Requirements

The following chart establishes specific regulations that apply to property that contains an unstable slope, a potentially unstable slope, or an area of differential settlement.

TYPE OF AREA ↓	REGULATIONS ↓	SLOPE, A POTENTIALLY UNSTABLE SLOPE, OR AN AREA OF DIFFERENTIAL SETTLEMENT.			
		USE	MINIMUM LOT SIZE	REQUIRED REVIEW PROCESS	SPECIAL REGULATIONS
Area of differential settlement		Any use allowed in the zone in which the subject property is located.	As required for this use in the zone in which the subject property is located.	As required for this use in the zone in which the subject property is located.	1. The applicant shall submit a report prepared by a licensed civil engineer describing the effects of the proposed development.* on-the-area-of-differential settlement. 2. The applicant shall minimize access points to the subject property. 3. The applicant shall take adequate precautions to prevent methane gas entrapment. 4. Peat extraction not required by ordinary construction activity is prohibited.
Potentially Unstable Slope		Any use allowed in the zone in which the subject property is located.	As required for this use in the zone in which the subject property is located.	As required for this use in the zone in which the subject property is located.	1. The applicant shall submit a report prepared by a licensed civil engineer describing the effects of the proposed development.* on-the-potentially-unstable-slope. 2. The applicant shall retain existing natural vegetation on the slope to the maximum extent possible. 3. The applicant shall minimize access points to the subject property. 4. The applicant shall locate structures, parking and circulation areas to minimize cutting of the slope.
Unstable Slope	Detached, stacked or attached dwelling units, but only if dwelling units of any type are allowable in the zone in which the subject property is located	12,500 sq.ft. per unit	Process I, see Chapter 145	1. The applicant shall submit a report prepared by a licensed civil engineer describing the effects of the proposed development.* on-the-unstable-slope. 2. The maximum lot coverage on the slope is 30%. 3. The applicant shall retain existing natural vegetation on the slope to the maximum extent possible. 4. The applicant may cluster structures to mitigate impacts on the slope. 5. The applicant shall minimize access points to the subject property. 6. The applicant shall locate structures, parking and circulation areas to minimize cutting of the slope.	
		One acre with 8,500 sq.ft. per unit	Process III, see Chapter 155	1. The applicant shall submit a report prepared by a licensed civil engineer describing the effects of the proposed development.* on-the-unstable-slope. 2. The maximum lot coverage on the slope is 25%. 3. The applicant shall cluster structures to mitigate impacts of development activity on the slope. 4. The applicant shall retain existing natural vegetation on the slope to the maximum extent possible. 5. The applicant shall minimize access points to the subject property. 6. The applicant shall locate structures, parking and circulation areas to minimize cutting of the slope.	
	Any use other than residential use allowed in the zone in which the subject property is located.	As required in the zone in which the subject property is located.	Process III, see Chapter 155	1. The applicant shall submit a report prepared by a licensed civil engineer describing the effects of the proposed development.* on-the-unstable-slope. 2. The maximum lot coverage on the slope is 25%. 3. The applicant shall cluster structures to mitigate impacts of development activity on the slope. 4. The applicant shall retain existing natural vegetation on the slope to the maximum extent possible. 5. The applicant shall minimize access points to the subject property. 6. The applicant shall locate structures, parking and circulation areas to minimize cutting of the slope.	

The Planning Official may waive the requirement for this report for rockeries and retaining walls if he/she determines that the report is demonstrably not necessary.

Section 13: Section 95.25 of Ordinance 2740 is hereby amended to read as follows:

95.25 Buffering Standards

The Chart in Section 10 of this Chapter establishes which buffering standard applies in a particular case. The following paragraphs establish the specific requirement for each standard.

1. For standard 1, the applicant shall provide either the buffer described in paragraph a or the buffer described in paragraph b below:
 - a. A 25-foot wide landscaped strip planted as follows:
 - (1) Two rows of trees, planted eight feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured 1'-above-grade, using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.
 - (2) Shrubs, 18 inches high, planted to attain a coverage of at least 60% of the buffer area within 2 years.
 - b. A 15 foot wide landscaped strip with a 6-foot high sight obscuring fence, except for Public Utilities, the fence must be on the outside edge of this strip. For Public Utilities, the fence may be placed either on the outside or inside edge of the landscaping strip. The landscaped strip must be planted as follows:
 - 1) Two rows of trees, planted 8 feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured 1'-above-grade, using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.

- 2) Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.
2. For standard 2, the applicant shall provide a 15-foot wide landscaped strip planted as follows:
 - a. Two rows of trees planted 8 feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured 1 1/2" above-grade, using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.
 - b. Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.
 3. For standard 3, the applicant shall provide a 5-foot wide landscaped strip planted as follows:
 - a. One row of trees planted 8 to 10 feet on center along the entire length of the buffer. Up to 100% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured 1 1/2" above-grade, using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.
 - b. Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.
 4. Location of the Buffer - The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.

Section 14: Section 105.75.1 of Ordinance 2740 is hereby amended to read as follows:

1. General - Except as specified in paragraph 2 of this section, the applicant shall arrange the spaces so that there are no more than 8

contiguous spaces. An island or peninsula of the same dimensions as the adjacent parking stalls, must separate each group of spaces. This island or peninsula must be surrounded by a 6" high cast in place vertical curb and must be landscaped with at least one tree, 1½" in diameter as measured 1'-above-grade-or-equivalent using the standards of the American Association of Nurserymen.

Section 15: Section 105.80.1.a of Ordinance 2740 is hereby amended to read as follows:

- a. One row of trees, 2" in diameter as measured one-foot-above-grade-or-equivalent, using the standards of the American Association of Nurserymen; planted 30 feet on center along the entire length of the strip. No more than 25% of the required trees may be deciduous.

Section 16: Section 110.65 of Ordinance 2740 is hereby amended by changing the designations of Paragraphs c through j to be Paragraphs 4 through 10 respectively. In addition, new Paragraph 8 is amended to read as follows:

- h.8. Trees - All trees planted in the right-of-way must be approved as to species by the City, and must be two inches in diameter at the time of planting as measured one-foot-above-the-root-crown using the standards of the American Association of Nurserymen with a canopy that starts at least eight feet above finished grade.

Section 17: The title of Chapter 105 of Ordinance 2740 and entry for Chapter 105 in the table of contents to Ordinance 2740 are both hereby amended to read as follows:

CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, PARKING-AREA AND RELATED IMPROVEMENTS

Section 18: Section 105.60 of Ordinance 2740 is hereby amended to read as follows:

105.60 Parking Area Design - General

The minimum dimensions for parking spaces and parking areas are displayed in the Plates in Chapter 180 of this Code. These plates apply to parking for all uses except detached dwelling units.

Section 19: Section 105.80.3 of Ordinance 2740 is hereby amended to read as follows:

3. Overlapping Requirements - If buffering is required under Chapter 100 95 of this Code and by this Section, the applicant shall utilize the more stringent buffering requirement.

Section 20: Section 105.80.4.b of Ordinance 2740 is hereby amended to read as follows:

- b. Protection Techniques - The applicant shall use the protection techniques described in Chapter 100 95 of this Code to ensure the protection of significant natural vegetation.

Section 21: Chapter 105 of Ordinance 2740 is hereby amended by adding a new Section 97 to read as follows:

105.97 Parking Area Design - Backing onto Street Prohibited

Parking areas for uses other than detached dwelling units must be designed so that traffic need not back onto any street.

Section 22: Chapter 105 of Ordinance 2740 is amended by adding a new Section 102 to read as follows:

102 Parking Area Design - Streets Used in Circulation Pattern

If a parking lot is designed so that a street is used as part of the circulation pattern, the parking lot must be designed so that traffic turning into or out of the parking area need not cross any moving lanes of traffic in the street. See Plate 8a.

Section 23: Chapter 105 of Ordinance 2740 is hereby amended to add the titles of the newly created Sections 97 and 102 to the table of contents of Chapter 105.

Section 24: Section 110.10 of Ordinance 2740 is hereby amended to read as follows:

110.10 General

The applicant shall comply with the provisions of this Chapter if the applicant is granted a development permit unless -- (1) the cost of the proposed improvement in any 12 month period is

less than 50% of the replacement cost of any improvements that exist on the subject property; or (2) the applicant, or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved after January-1, -1979. within 4 years prior to the present development permit application.

Section 25: Section 110.75.4.d of Ordinance 2740 is hereby amended to read as follows:

- d. If the subject property is not a corner lot; there are no permanent right-of-way improvements similar to the standards of this Chapter located in on the same side of the adjacent right-of-way within 100' of the subject property; and the construction of the required improvements would not provide a useful link in the transportation and storm water system.

Section 26: Section 115.80.1.c of Ordinance of 2740 is hereby amended to read as follows:

- c. It is either adjacent to or has a recorded access easement to a street providing access to the lot or parcel, that meets the minimum requirements established under this Code.

Section 27: Section 10.510 of Ordinance 2740 is hereby amended to read as follows:

510. Maximum Lot Coverage - The maximum percentage of the surface of the subject property that may be covered with structures other than outdoor swimming pools or any other materials which will not allow for the percolation of water into the underlying soils. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.

Section 28: Section 115.115.3 of Ordinance 2740 is hereby amended to read as follows:

3. Structures and Improvements - No improvement or structure may be in a required setback yard except as follows:

- a. An improvement or structure, other than a parking area, that is not more than 4 inches above finished grade may be anywhere in a required setback yard.
- b. An improvement or structure, that is not more than 18 inches above finished grade may extend not more than 5 feet into a required setback yard.
- c. Chimneys, bays, greenhouse windows, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required setback yard. The total horizontal dimension of the elements that extend into a required setback yard, excluding eaves, may not exceed 25% of the length of the facade of the structure. See Plate 10.
- d. Fences may be located in required setback yards subject to the fence regulations contained within this Chapter.
- e. Rockerries and retaining walls may be located in required setback yards if--
 - 1) The rockery or retaining wall is not being used as a direct structural support for a major improvement; and
 - 2) The rockery or retaining wall is reasonably necessary to provide support to a cut or slope.
- f. e. In WD I and CBD D, improvements associated with public use and access areas may be located in any required yard. In WD I, WD II and CBD D, the landward end of a pier may be located in the High Water Line Yard.
- g. f. See paragraph 5 of this Section for regulations on parking areas.

Section 29: Section 125.10 of Ordinance 2740 is hereby amended to read as follows:

125.10 Process for Deciding on a PRUD Application

An application for a PRUD has two stages. The first stage is described in Section 15 through 55 of this Chapter and results in the City's decision whether or not to grant the PRUD. The

decision on this stage will be made using Process III described in Chapter 155 of this Code. During the second stage described in Section 65 through Section 85 of this Chapter, the City will review the final site plan of the project to ensure that it is consistent with the PRUD as approved. The decision on this stage will be made using Process I, described in Chapter 145 of this Code., unless the Planning Director determines in writing that it would be within the public interest to have the final PRUD reviewed by City Council. In which case, the final PRUD will be reviewed and decided upon using Process III, described in Chapter 155 of that Code.

Section 30: Section 150.65.1 of Ordinance 2740 is hereby amended to read as follows:

150.65 Hearing Examiner's Decision

1. General - Within-10-working-days-after-the public-hearing-and-aAfter considering all of the information and comments submitted on the matter, the Hearing Examiner shall issue a written decision either--
 - a. Granting the application; or
 - b. Modifying and granting the application; or
 - c. Denying the application.

If the Hearing Examiner will issue the decision more than 10 working days after the public hearing, he/she shall state in writing or on the record, the reason for the delay and the approximate date of issuing the decision. In no event may the Hearing Examiner take more than 20 working days after the public hearing to issue his/her decision unless agreed to by the applicant.

Section 31: Section 152.65.1 of Ordinance 2740 is hereby amended to read as follows:

152.65 Recommendation by the Hearing Examiner

1. General - Within-10-working-days-after-the public-hearing-and-aAfter considering all of the information and comments submitted on the matter, the Hearing Examiner shall issue a written recommendation to the City Council to either--
 - a. Grant the application; or

- b. Modify and grant the application; or
- c. Deny the application.

If the Hearing examiner will issue the recommendation more than 10 working days after the public hearing, he/she shall state in writing or on the record, the reason for the delay and the approximate date of issuing the recommendation. In no event may the Hearing Examiner take more than 20 working days after the public hearing to issue his/her recommendation unless agreed to by the applicant.

Section 32: Section 150.75.1 of Ordinance 2740 is hereby amended to read as follows:

150.75 Request for Reconsideration

1. General - Any person who has a right to appeal a decision under Section 80.1 of this Chapter may request the Hearing Examiner to reconsider any aspects of his/her decision by delivering a written request for reconsideration to the Planning Department within 4 working days of the issuance of the Hearing Examiner's written decision. The person requesting the reconsideration shall specify in the request what aspect of the decision he/she wishes to have reconsidered, and the reason for the request.

Section 33: Section 152.70.1 of Ordinance 2740 is hereby amended to read as follows:

152.70 Request for Reconsideration

1. General - Any person who has a right to challenge a recommendation of the Hearing Examiner under Section 80 of this Chapter may request the Hearing Examiner to reconsider any aspects of his/her recommendation by delivering a written request for reconsideration to the Planning Department within 4 working days of the issuance of the Hearing Examiner's written decision. The person requesting the reconsideration shall specify in the request what aspect of the recommendation he/she wishes to have reconsidered, and the reason for the request.

Section 34: Paragraph 1 of 155.75 of Ordinance 2740 is amended to read as follows:

155.75 Request for Reconsideration

1. General - Any person who has a right to file a challenge to the recommendation of the Planning Commission under Section 85 of this Chapter may request the Planning Commission to reconsider any aspects of its recommendation by delivering a written request for reconsideration to the Planning Department within 4 work days of the meeting at which the Planning Commission made its recommendation. The person requesting the reconsideration shall specify in the request what aspect of the recommendation he/she wishes to have reconsidered, and the reason for the request.

Section 35: Paragraph 3 of Section 162.35 of Ordinance 2740 is amended to read as follows:

3. Non-Conforming Procedure

If the use or any aspect of the use or development supporting the use that requires approval through a quasi-judicial process described in Chapters 145 through 155 of this Code was not approved through a quasi-judicial process under this Code or a prior zoning code, the use or development must be reviewed and approved using the appropriate process if--

a. ~~The applicant is making structural alterations or increasing the gross floor area of any structure that houses or supports the use or~~

- a. b. The applicant is making changes, or alterations or doing work, other than as listed in Paragraph a. of this subsection, in any 12-month period to any structure that houses or supports the use that exceeds 25% 10% of the replacement cost of that structure; except that, if the Planning Director determines that the change or alteration will have significantly more or different impact on the surrounding area than does the present development, the change or alteration will be reviewed and decided upon using the appropriate process under this Code; or

b.-e. The applicant is going to replace the use with a different use; or

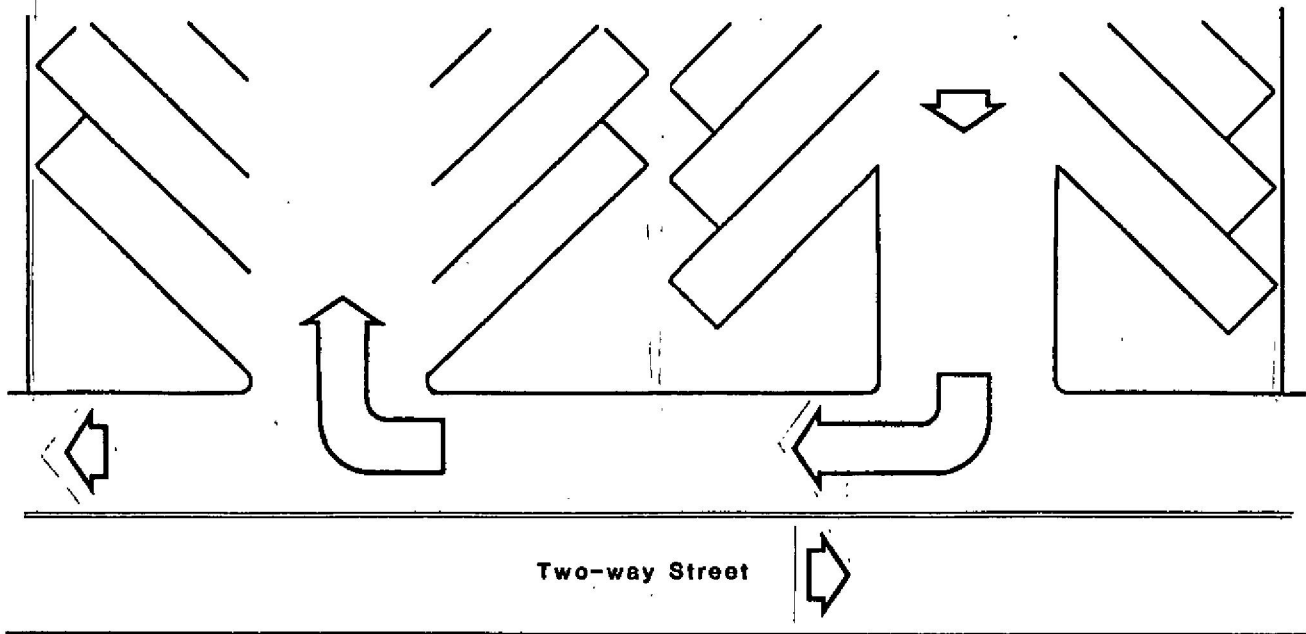
c. d. The subject property has been abandoned for 90 or more consecutive days or the use conducted on the subject property has ceased for 180 or more consecutive days.

Section 36: Chapter 180 of Ordinance 2740 is amended by adding a new Plate 8A as follows:

Parking Area Design Using Street For Circulation

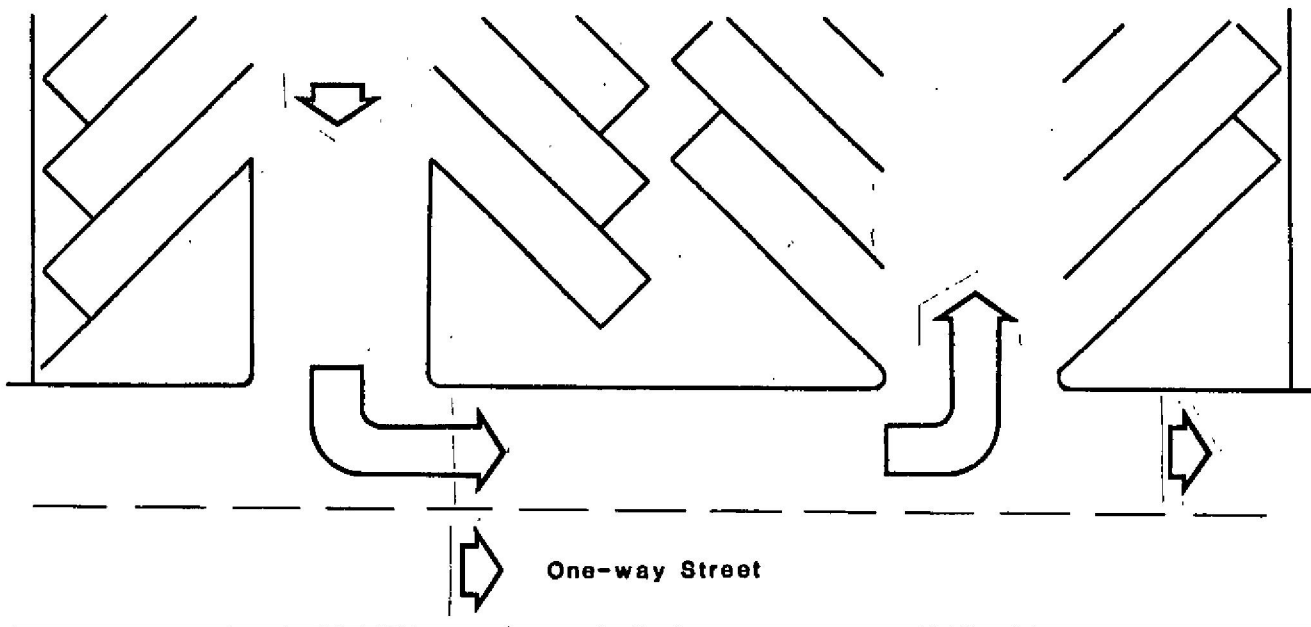
A

Design of parking area using two-way street for circulation



B

Design of parking area using one-way street for circulation



Section 37: Chapter 180 of Ordinance 2740 is hereby amended by adding to the title of the newly created Plate 8A to the table of contents of Chapter 180.

Section 38: 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 39. 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 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 from the date of passage of this Ordinance.

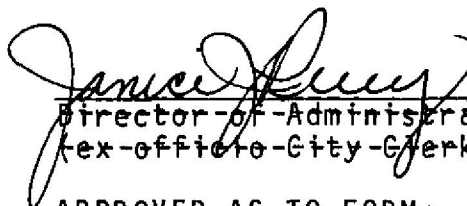
Section 40. Except as provided in Section , this Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY MAJORITY VOTE OF THE KIRKLAND CITY COUNCIL IN REGULAR, OPEN MEETING this 22nd day of February, 1983.

SIGNED IN AUTHENTICATION thereof this 22nd day of February, 1983.


MAYOR

ATTEST:


Deputy City Clerk
Director of Administration and Finance
(ex-officio City Clerk)

APPROVED AS TO FORM:


City Attorney
2907B

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 25th day of February, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk