

ORDINANCE NO. 2732

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO HISTORIC LANDMARKS AND AMENDING CHAPTER 75 - HISTORIC LANDMARK OVERLAY ZONE OF THE ZONING CODE, ORDINANCE 2740, AS AMENDED.

WHEREAS, a request for amendments to the Land Use Policies Plan recognizing the historic nature of structures located at 4120 and 4130 Lake Washington Blvd. and permitting these structures to be used for non-residential activities was submitted to the Kirkland Department of Planning and Community Development by Jan and Lisa Reed on November 22, 1983; and

WHEREAS, the Kirkland Planning Commission considered said request at its meeting on December 16, 1982, at which time it directed the Department of Planning and Community Development to prepare Plan and/or Zoning amendments for consideration at a public hearing; and

WHEREAS, proposed amendments to the Land Use Policies Plan and Zoning Code were prepared by the Department of Planning and Community Development and such amendments were considered by the Kirkland Planning Commission and the Houghton Community Council at public hearings on February 17, 1983; and

WHEREAS, an Environmental Checklist was prepared and a Final Declaration of Non-Significance was made by the Responsible Official pursuant to the requirements of the State Environmental Policies Act (RCW 43.21C; WAC Chapter 197-10) and Kirkland Ordinance No. 2473, as amended; and

WHEREAS, said Environmental information and Final Declaration accompanied said proposed Plan and Zoning Amendments and were available to be considered by the Planning Commission, Houghton Community Council and the Kirkland City Council during the entire review and consideration process; and

WHEREAS, the Kirkland Planning Commission has transmitted to the Kirkland City Council recommended amendments to the Zoning Code as set forth in its Advisory Reports (File IV-82-90); and

WHEREAS, the Houghton Community Council has transmitted to the Kirkland City Council recommended amendments to the Zoning Code which are partially different from amendments recommended by the Planning Commission; and

WHEREAS, the City Council has reviewed the amendments recommended by the Planning Commission and Houghton Community Council and has modified the amendments recommended by the Planning Commission.

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

Section 1. The Findings, Conclusions, and Attachments contained in the Planning Commission's Advisory Report (File No. IV-82-90), attached hereto, are hereby adopted by reference.

Section 2. Chapter 75 - HISTORIC LANDMARK OVERLAY ZONE of the Kirkland Zoning Code, Ordinance No. 2740, as amended, is hereby amended as shown in Attachment A, attached hereto and incorporated herein.

Section 3. Chapter 5 - Definitions of the Kirkland Zoning Code, Ordinance No. 2740, as amended, is hereby amended as shown in Attachment B, attached hereto and incorporated herein.

Section 4. Chapter 1 - USER GUIDE of the Kirkland Zoning Code, Ordinance No. 2740, as amended, is hereby amended as shown in Attachment 6, attached hereto and incorporated herein.

Section 5. 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 6. This Ordinance shall become effective 5 days from and after its passage, approval and posting.


Section 7. 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.

PASSED BY MAJORITY VOTE OF THE KIRKLAND CITY COUNCIL IN REGULAR, OPEN MEETING this 21st day of March, 1983.


SIGNED IN AUTHENTICATION thereof this 21st day of March, 1983.


MAYOR

ATTEST:

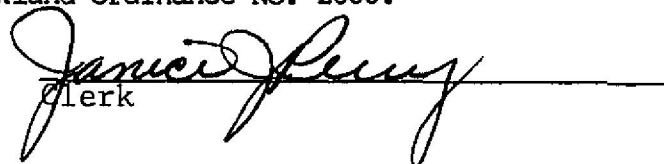

Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 23rd day of March, 1983 in accordance with the provisions of RCW 35.22.260 and City of Kirkland Ordinance No. 2600.

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Clerk

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

75.45 Effect - Non-Conforming Elements

Non-Conformance on the subject property need not be corrected if correcting the non-conformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.47 Effect - Modification of Code Provisions

1. General - The provisions of this Section establish the circumstances under which the City may modify any of the provisions of this Code for an Historic Landmark, except:
 - a. The City may not modify any of the provisions of this Chapter; and
 - b. The City may not modify any provision of this Code that specifically states that its requirements are not subject to modifications under this Chapter; and
 - c. The City may not modify any of the procedural provisions of this Code; and
 - d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, unstable slope or potentially unstable slope.
 - e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.
2. Review Procedure - The City will review and decide upon any proposal to modify the provisions of this Code for an Historic Landmark using Process III, described in Chapter 155 of this Code. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in Section 10 through 25 of this Chapter.

3. Criteria for Modification - The City may approve a modification under the provisions of this Section only if it finds that the following requirements are met:

a. The proposed modification would promote or aid in the preservation or rehabilitation of an Historic Landmark; and

b. Either:

(1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

i. Market Street between Central Way and N.E. 106th Street.

ii. State Street between N.E. 68 Street and 2nd Avenue South.

iii. Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

(2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect - Bonds

The City may require a bond under Chapter 175 of this Code to ensure that any alteration to an historic landmark complies with the conditions of its approval.

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3. 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.
25. Air Rights - The right to in some manner control the use of the space above the surface of the ground.
30. Alluvium - Soil deposits transported by surface waters.
35. Alteration - A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.
37. Amend - To change the Zoning Map, text of the Zoning Code, or Land Use Policies Plan in accordance with this Code.
40. Applicant - A person who applies for any permit or approval to do anything governed by this Code and who is the owner, of the subject property; the authorized agent of the owner, or the City.
45. Average Building Elevation - The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.
50. Average Ground Elevation - The average elevation of the topography, prior to any development activity, at the center of all sides of the structure or improvement.
55. Average Lot Elevation - The average elevation of all corners of a lot as measured from natural or existing topography.
60. Average Parcel Depth - The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See the following diagram for examples.

515. Medium Density Use - Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.
520. Medium Density Zones - The following zones: RS 5.0; RM 3.6; WD-1; PLA 3; PLA 6 E, F, G, J; and PLA 7 A.
525. Mean Sea Level - The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.
530. Minor Lake - Any lake shown on the Environmentally Sensitive Areas Map, as adopted by the City Council and on file in the Planning Department, other than Lake Washington.
535. Minor Stream - Either a watercourse shown on the Environmentally Sensitive Areas Map, as adopted by the City Council and on file with the Planning Department, which is not defined as a major stream, or any watercourse flowing within natural, reconstructed, rehabilitated or relocated banks during at least six (6) months of a year of normal precipitation.
537. Modify - As used in Chapters 75, 122 and 125, the word modify means to allow or require a deviation from the provisions of this Code.
540. Monument Sign - A sign higher than 5 feet above the average ground elevation which is attached to the ground by means of a wide base. These signs are composed of a sign face and a sign base. The width of the base must be equal to at least 20% of the height of the entire sign, and also must be equal to at least 80% of the width of the sign face. The height of the sign base must be at least 50% of the total sign height and be of solid appearance. The base and architectural detail must be of color, shape and materials consistent with the character of the primary structures.
545. Moorage Facility - A use providing docking or moorage space for waterborne pleasure craft.
550. Multi-Use Complex - All of the following: a group of separate buildings operating under a common name or management; or a single building containing multiple uses where there are specific entranceways for individual uses or groups of uses; or a group of uses on separate but adjoining properties that request treatment as a multi-use complex.
555. Natural Features - Physical characteristics of the subject property that are not manmade.

16. Storm Water Retention - Do you want to find out the construction phase and permanent storm water retention and control requirements that apply to your development? If so, see Chapter 107.
17. Sight Obstructions at Intersections - Do you want to find out if you must keep part of the subject property near intersections--including the intersection of a driveway onto a street--free of sight obstructions? If so, you should read the section in Chapter 115 entitled Sight Distance at Intersections.
18. Swimming Pools - Do you want to put a swimming pool on the subject property? If so, you should read the section in Chapter 115 entitled Swimming Pools - Fences Required.
19. Large Vehicles or Boats - Do you want to park or store a large vehicle or boat of any kind on property in a residential zone? If so, you should read the section in Chapter 115 entitled Vehicles - Size in Residential Zones Limited.
20. Heavy Equipment Operation - Do you want to know the City's limitation on hours during which certain construction activities are permitted? If so, you should read the section in Chapter 115 entitled Development Activities and Heavy Equipment Operation - Limitations On.
21. Sanitary Sewer Connection Required - Do you want to know if you may use a septic tank on the subject property? If so, you should read the section in Chapter 115 entitled Sanitary Sewer Connection Required.
22. Accessory Uses, Facilities and Activities - Do you want to conduct or use any uses, facilities or activities that are accessory to an allowed use on the subject property? If so, you should read the section in Chapter 115 entitled Accessory Uses, Facilities, and Activities.
23. Planned Residential Unit Developments - Do you want to develop a primarily residential development that does not strictly conform to the requirements of the zone in which it will be located? If so, see Chapter 125.
24. Amendments - If you are interested in amending the Zoning Map, text of the Zoning Code or Land Use Policies Plan, refer to Chapters 130, 135 and 140 respectively.

The foregoing list has been provided as an aid to assist the reader in finding applicable regulations. However, you should review the table of contents of this Code to find other Chapters that may be of interest to you.