

ORDINANCE NO. 2749

AN ORDINANCE OF THE CITY OF KIRKLAND PERTAINING TO LAND USE, ZONING AND RELATED MATTERS, AND AMENDING ORDINANCE 2740 AS AMENDED, FILE NO. IV-83-23.

WHEREAS, the City Council did adopt a new Zoning Code by Ordinance 2470 on September 20, 1982; and

WHEREAS, the City Council did adopt amendments to this Zoning Code by Ordinance 2729; and

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

WHEREAS, an Environmental Checklist was submitted on this proposed project on 3/20/83. The Responsible Official evaluated this proposal and issued Declaration of Non-Significance on 3/22/83. 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 May 24, 1983. The Planning Commission held a public hearing and considered this proposed ordinance on May 19, 1983. The Houghton Community Council and the Planning Commission both recommend that City Council adopt this Ordinance; and

WHEREAS, City Council considered this proposed ordinance on June 6, 1983 and concluded that it would be within the public interest 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 15.10.b of Ordinance 2740 is hereby amended to add a Special Regulation for School or Day Care Center as shown below:

USE ZONE CHART

Zone	Section
RS	15.10.b

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

USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS				SPECIAL REGULATIONS		
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		REQUIRED PARKING SPACES	
			FRONT	SIDE	REAR							
LOT SIZE	FRONT	SIDE	REAR	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES				
Church		Process IIA Chapter 150 As established on the Zoning Map. See Special Regulation #1.	20'	20' on each side	20'	70%	25' above average building elevation	C	B	See Section 105.25	<ol style="list-style-type: none"> 1. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RS 35 Zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 Zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 Zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 Zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 Zones, the minimum lot size is 5,000 square feet. 2. Traffic cannot significantly impact any residential neighborhood. 3. Noise cannot exceed that normally associated with a residential neighborhood. 4. Scale and placement of the structure must be in harmony with the residential setting. 5. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density use may not exceed 50 feet if any part of that structure within 100 feet of the low density use exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulations for further details. 6. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
School or Day Care Center		If this use can accommodate 13 or more students or children, then-- Process 118 Chapter 152 Otherwise, Process IIA Chapter 150 See Special regulation #10	If this use can accommodate 50 or more students or children, then-- 50' 50' on each side ----- If this use can accommodate 13 to 49 students or children, then-- 20' 20' on each side ----- Otherwise-- 20' 5', but 2 side yards must equal at least 15 feet.	20'	20' on each side	20'	70%	25' above average building elevation	D	B	Section 105.25	<ol style="list-style-type: none"> 1. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RS 35 Zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 Zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 Zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 Zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 Zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if-- <ol style="list-style-type: none"> a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 3. A 6' high fence along the side and rear property lines is required. 4. Hours of operation may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20' if this use can accommodate 50 or more students or children. b. 10' if this use can accommodate 13 to 49 students or children. c. Otherwise, 5'. 6. An on-site passenger loading area must be provided if this use can accommodate more than 50 students or children. 7. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density use may not exceed 50 feet if any part of that structure within 100 feet of the low density use exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulations for further details. 8. May include accessory living facilities for staff persons. 9. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 10. <u>No required review process is necessary for up to two portable classrooms per site provided that those classrooms are ancillary to an established school use and that they do not exceed 12 consecutive months duration.</u>

3990B

For other information about parking and parking areas, see Chapter 105.
 For details of the regulations in this category, see Chapter 100.
 For information 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.

Footnotes

Page

Section 2: Section 35.10.a of Ordinance 2740 is hereby amended by changing Sign Category E to Sign Category F for Vehicle Service Station; Restaurant or Tavern; Fast Food Restaurant; Hotel, or Motel, as shown below:

O-2749

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

USE ZONE CHART

Zone	Section
FC-1	2 35.10.a

USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS					SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	
			FRONT	SIDE	REAR						
Office Use	None	None	20'	0'	0'	70%	None	C	D	See Section 105.25	<ol style="list-style-type: none"> Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Vehicle Service Station	None	None	40'	15'	15'	80%	30' above average building elevation	A	B-F	See Section 105.15	<ol style="list-style-type: none"> Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See the Section in Chapter 115 entitled <u>Outdoor Use, Activity and Storage</u> for further regulations. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Restaurant or Tavern	None	None	20'	0'	0'	80%	30' above average building elevation	A	B-F	1 per each 100 sq.ft. of gross floor area	<ol style="list-style-type: none"> Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Fast Food Restaurant	None	None	20'	0'	0'	80%	30' above average building elevation	A	B-F	1 per each 50 sq.ft. of gross floor area	<ol style="list-style-type: none"> Must provide one outdoor waste receptacle for every 8 parking stalls. Access for drive through facilities must be approved by the Public Services Department. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Hotel or Motel	None	None	20'	0'	0'	80%	None	A	B-F	See Section 105.25	<ol style="list-style-type: none"> May include meeting and convention facilities. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>3992B</p>

Footnotes

For other information about parking and parking areas, see Chapter 105.

For details of the regulations in this category, see Chapter 109.

For information 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.

Section 3: Section 35.10.b of Ordinance 2740 is hereby amended by changing Sign Category E to Sign Category F for a retail establishment selling groceries and related items as shown below:

O-2749

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

USE ZONE CHART

Zone
FC I

Section
35.10.b

REGULATIONS USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	CATEGORY			
			FRONT	SIDE	REAR						
A retail establishment selling groceries and related items	None	None	20'	0'	0'	80%	30' above average building elevation	A	B-P	1 per each 300 sq.ft. of gross floor area	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 18,000. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Any retail establishment, other than those listed in this zone providing goods and services to the freeway traveler See Special Regulation #1	Process IIB Chapter 152	Will be determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the guide.	determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the guide.							See Section 105.25	<ol style="list-style-type: none"> A particular use or development may be approved under this listing if— <ol style="list-style-type: none"> The use or development is principally geared towards serving the freeway traveler; and It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Public Utility	None	None	20'	0'	0'	70%	30' above average building elevation	A	B	See Section 105.25	<ol style="list-style-type: none"> May be permitted only if locating this use in the immediate area of the subject property is necessary to permit effective service to the area or the City as a whole. Any building's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Government Service	None	None	20'	0'	0'	70%	30' above average building elevation	C	B	See Section 105.25	<ol style="list-style-type: none"> Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Public Transit Shelter	None	None	0'	0'	0'	100%	15' above average building elevation	—	See Spc. Reg. #2	None	<ol style="list-style-type: none"> May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. May install transit route and information signs and markers.
Public Park	If one acre or more, then Process IIA Chapter 150 Otherwise, none	None	Will be determined on a case-by-case basis.				30' above average building elevation	—	B	See Section 105.25	<ol style="list-style-type: none"> The design of the park must serve the needs of the area in which it is located. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>3992B</p>

Footnotes

- _____ For other information about parking and parking areas, see Chapter 105.
- _____ For details of the regulations in this category, see Chapter 100.
- _____ For information 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.

Section 4: Section 35.15.a of Ordinance 2740 is hereby amended by changing Sign Category E to Sign Category F for Vehicle Service Station; Restaurant or Tavern; Fast Food Restaurant, as shown below:

O-2749

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

USE ZONE CHART

Zone	Section
FC II	35.15.a

USE

REGULATIONS

USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	REAR				
			FRONT	SIDE	REAR							
Vehicle Service Station	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	40'	15' See Special Regulation #7	15'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation	A	B-F	See Section 105.25	<ol style="list-style-type: none"> 1. Access directly onto N.E. 85th is not permitted unless alternate access is not possible. 2. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this zone must be part of the development of the subject property. 3. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 4. The site plan must minimize noise and visual impacts on residential uses in the area. 5. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 6. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 7. The following regulations apply to vehicle service stations only: <ol style="list-style-type: none"> a. May not be more than 2 vehicle service stations at any intersection. b. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See the Section in Chapter 115 entitled <u>Outdoor Use, Activity and Storage</u> for further regulations. 8. The following regulation applies to a retail establishment providing vehicle service or repair only. <ol style="list-style-type: none"> a. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 9. The following regulations apply to fast food restaurants only: <ol style="list-style-type: none"> a. Must provide one outdoor waste receptacle for every 8 parking stalls. b. Access for drive through facilities must be approved by the Public Services Department. 	
Restaurant or Tavern	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation	B	B-F	1 per each 100 sq.ft. of gross floor area		
Fast Food Restaurant	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%	30' above average building elevation	A	B-F	1 per each 50 sq.ft. of gross floor area		

4001B

Footnotes

For other information about parking and parking areas, see Chapter 105.
 For details of the regulations in this category, see Chapter 100.
 For information 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.

Page

Section 5: - Section 35.15.b of Ordinance 2740 is hereby amended by changing Sign Category E to Sign Category F for Hotel, or Motel and a retail establishment selling groceries and related items as shown below:

O-2749

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

USE ZONE CHART

Zone
FC II
Section
35.15.b

REGULATIONS USE	REQUIRED REVIEW PROCESS	MINIMUMS					MAXIMUMS				SPECIAL REGULATIONS
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	
			FRONT	SIDE	REAR						
Hotel or Motel	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation	B	B F	See Section 105.25	<ol style="list-style-type: none"> Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. The site plan must minimize noise and visual impacts on residential uses in the area. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
A retail establishment selling groceries and related items	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation	B	B F	1 per each 300 sq.ft. of gross floor area	<ol style="list-style-type: none"> The following regulation applies only to hotels and motels: May include meeting and convention facilities. The following regulation applies only to retail establishments selling groceries and related items: Gross floor area for this use may not exceed 3,000 square feet.
Any Retail Establishment other than those listed in the zone providing goods or services to the Freeway Traveler See Special Regulation #1	Process III Chapter 153	Must be part of a development with a site area of at least 35,000 sq. ft.	Will be determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the requirements of other uses in this Zone as a guide							See Section 105.25	<ol style="list-style-type: none"> A particular use or development may be approved under this listing if-- <ol style="list-style-type: none"> The use or development is principally geared towards serving the freeway traveler; and It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. The site plan must minimize noise and visual impacts on residential uses in the area. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

4001B

For other information about parking and parking areas, see Chapter 105.
 For details of the regulations in this category, see Chapter 100.
 For information 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.

Footnotes

Section 6: Section 50.20.c of Ordinance 2740 is hereby amended by removing the line in the Special Regulations column between Public Utility and Government Facility as shown below.

O-2749

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

USE ZONE CHART

Zone
CBD-C

Section
4
50.20.c

USE ↓

REGULATIONS ↑

USE	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS					SPECIAL REGULATIONS	
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		REQUIRED PARKING SPACES
			FRONT	SIDE	REAR						
Office Use	If the structure exceeds 35' above average building elevation, then Process IIB Chapter 152 Otherwise, None	None	0' See also Spc. Reg. #1	0'	0'	100%	No maximum See also Special Regulation #1	C	D	1 per each 350 sq.ft. of gross floor area	<ol style="list-style-type: none"> 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. A veterinary office is not permitted in any development containing dwelling units.
Stacked Dwelling Units	Same as the regulation #2.	regulations	for the ground floor use.			See Special Reg-	A		1.7 per Unit	<ol style="list-style-type: none"> This use is not permitted on the ground floor of a structure. 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
Public Utility	Process IIA Chapter 150	None	0' See Spc. Reg. #1	0'	0'	100%	No maximum See also Special Regulation #1	A	B	See Section 105.25	<ol style="list-style-type: none"> 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Government Facility	Process IIA Chapter 150	None	0' See Spc. Reg. #1	0'	0'	100%	No maximum See also Special Regulation #1	C	B	See Section 105.25	
Public Transit Shelter	None	None	0'	0'	0'	100%	15' above average building elevation.	--	See Spc. Reg. #2	None	<ol style="list-style-type: none"> May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. May install transit route and information signs and markers.
Public Parks	Process IIA Chapter 150	None	Will be determined on a case-by-case basis			No maximum See also Special Regulation #1	--	B	See Section 105.25	<ol style="list-style-type: none"> 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>5588A</p>	

For other information about parking and parking areas, see Chapter 105.
 For details of the regulations in this category, see Chapter 100.
 For information 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.

Footnotes

Page

Section 7: Section 100.125.3.2.b. of Ordinance 2740 is hereby amended to read as follows:

0-2749

TOTAL
LINEAR
FRONTAGE
OF SUBJECT
PROPERTY IS
LESS THAN

SIGN CATEGORIES

INSTRUCTIONS:

1. Find the Sign Category that applies to your use.
2. Find the linear frontage of the subject property.
3. Where Sign Category and linear frontage meet you will find the general maximums of sign size for the subject property.
4. Use the multiplier to the right of the chart to determine if maximum allowable sign size is increased or decreased by the factors listed.

	C	D	E	F
25	20	26	48	56
30	20	28	50	59
35	20	29	52	62
40	21	31	55	65
45	21	32	57	68
50	22	33	59	70
55	23	34	61	72
60	23	35	63	74
65	24	36	64	76
70	25	37	66	78
75	25	38	68	80
80	26	39	69	82
85	26	40	70	84
90	27	40	72	85
95	27	41	73	87
100	28	42	74	88
105	28	42	76	90
110	29	43	77	91
115	29	44	78	92
120	30	44	79	94
125	30	45	80	95
130	30	46	81	96
135	31	46	82	97
140	31	47	83	99
145	32	47	84	100
150	32	48	85	101
155	32	48	86	102
160	33	49	87	103
165	33	49	88	104
170	33	50	89	105
175	34	50	89	106
180	34	51	90	107
185	34	51	91	108
190	34	52	92	109
195	35	52	93	110
200	35	53	94	111
205	35	53	94	112
210	36	53	95	113
215	36	54	96	114
220	36	54	97	115
225	36	55	97	116
230	37	55	98	116
235	37	56	99	117
240	37	56	99	118
245	38	56	100	119
250	38	57	101	120

(Measured in Linear Feet)

(Measured in Square Feet)

SIGN AREA MULTIPLIERS

-FIRST-

1. If all signs consist of wooden faces, then multiply the figure in the chart by 1.25

-THEN-

- 2.a. If all signs are building mounted signs, multiply either the above product or figure in chart by 1.5

-or-

- b. If all signs are on either building mounted signs or pedestal signs, multiply either the above product or figure in the chart by 1.25.

-NEXT-

3. If located on a designated corridor, multiply either the above product or figure in chart by .75

-FINALLY-

4. For Sign Categories E and F if the subject property is greater than 3 acres then refer to Paragraph 4 of this Section for additional allowable sign size.

4021B

If the linear frontage of the subject property exceeds 250 feet, please refer to Plate 9.

Section 8: Section 110.65.3 of Ordinance 2740 is hereby amended by renumbering paragraphs c., d., f., g., h., i., and j. to be paragraphs 4 through 10.

Section 9: The Table of Contents for Chapter 115 of Ordinance 2740 is hereby amended as follows:

115.30 - DISTANCE BETWEEN STRUCTURES, REGARDING MAXIMUM HORIZONTAL FACADE REGULATION (ADJACENCY TO INSTITUTIONAL USE)

Section 10: Section 115.30 of Ordinance 2740 is hereby amended to read as follows:

115.30 - DISTANCE BETWEEN STRUCTURES, REGARDING MAXIMUM HORIZONTAL FACADE REGULATION (ADJACENCY TO INSTITUTIONAL USE)

1. Distance Between Structures

1.a. General - For purposes of the regulation in this Code regarding maximum horizontal facade only, two structures will be treated and considered as one structure if any elements of the structures, other than as specified in paragraph 2 of this Section are closer than 20 feet to each other. In addition, two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 8 feet above finished grade.

2.b. Exceptions

a.1) Porches and similar elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.

b.2) Chimneys, bays, greenhouse windows, eaves and similar elements that customarily extend beyond the exterior walls of a structure may be no closer than 18 1/2 feet from another structure.

2. Adjacency to Institutional Uses - If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director.

Section 11: Section 115.40.1.a. of Ordinance 2740 is hereby amended to read as follows:

1. General

- a. Fences not over 6 feet in height may be anywhere on the subject property except:
- i. A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or
 - ii. If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.
 - iii. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

Section 12: Section 115.105 of Ordinance 2740 is hereby amended by adding a new subsection to read as follows.

4. Exceptions to Outdoor Use Activity, or Storage - the following outdoor uses and activities when located in commercial zones, are exempt from the permit requirements of this Section.
- a. Not to exceed 30 days
 - 1) Christmas tree lots.
 - 2) Fireworks stands.
 - b. Not to exceed 5 days
 - 1) Amusement rides.
 - 2) Carnivals and Circuses.
 - 3) Parking lot sales which are ancillary to the indoor sale of the same goods and services.

Section 13: Section 115.115.5 of Ordinance 2740 is hereby amended by adding a new sub-section to read as follows:

- c. Residential Driveways Considered Parking Areas - Driveways are considered parking areas when they serve not more than two units and terminate at a

garage or carport. Maximum width is 20 feet for driveway parking areas located in a yard abutting a right-of-way; if the yard abuts a private easement road, the width of the driveway parking area may increase to 30 feet upon the written consent of all parties served by the easement.

Section 14 - The Table of Contents for Chapter 127 of Ordinance 2740 is hereby amended to add the following:

127.40 - Exceptions to Permit Requirement

Section 15: Chapter 127 of Ordinance 2740 is hereby amended by the addition of the following section:

127.40 - EXCEPTIONS TO PERMIT REQUIREMENT

The following temporary uses, when located in commercial zones, are exempt from the permit requirements of this Chapter.

- a. Not to exceed 30 days
 - 1) Christmas tree lots.
 - 2) Fireworks stands.
- b. Not to exceed 5 days
 - 1) Amusement rides.
 - 2) Carnivals and Circuses.
 - 3) Parking lot sales which are ancillary to the indoor sale of the same goods and services.

Section 16: Section 145.120.2 of Ordinance 2740 is hereby amended to read as follows:

- 2. Exception - Subsequent Modification - If a specific use or site plan is approved through this Process, or any quasi-judicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this Process for a subsequent change in use or site plan unless--
 - a. The subject property is redeveloped and the value of the redevelopment exceeds 50% of the value of any structures that existed on the subject property immediately prior to the redevelopment; or
 - b. There is a change in use and this Code establishes different or more rigorous standards for the new use than for the existing use; or

- c. There will be a change to a site plan that was specifically approved ~~through this process~~, less than five years from the date of the proposed modification; or exceeds 25% of the replacement cost of all structures on the subject property; or
- d. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the city as a result of the change.

Section 17: Section 150.75 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.
2. Decision to Reconsider - Within 4 ~~14~~ working days after receiving a request for reconsideration, the Hearing Examiner shall notify the person requesting the reconsideration whether or not the Hearing Examiner will reconsider the decision. The Hearing Examiner may reconsider the decision only if he/she concludes that there is substantial merit in the request.
3. Effect - If the Hearing Examiner grants a request to reconsider any aspect of the decision, the City may not process any appeals of the decision until the Hearing Examiner issues his/her written decision on the reconsidered aspect.
4. Process - If the Hearing Examiner reconsiders the decision, the provisions of Sections 30 through 65 of this Chapter will be followed except that--
 - a. The Hearing Examiner may limit the reconsideration by--
 - 1) Limiting the persons who may participate in the reconsideration to the persons who have a right to appeal the decision;

- 2) Limiting the aspects of the decision that will be reconsidered; and
- 3) Limiting the nature of the reconsideration by only receiving written comments and by not holding a new public hearing.

Any limitations will be included in the notice given under Section 30 of this Chapter; and

- b. If the Hearing Examiner limits the persons who may participate in the reconsideration under paragraph 4.a.1) of this Section, the Planning Official shall send notice under Section 30 of this Chapter only to those persons. In all other cases, the Planning Official shall send this notice to the persons described in paragraph 4.a. 1) of this Section in addition to the persons described in Section ~~125.2~~ 30.2.a and b of this Chapter.

Section 18: Section 150.95 of Ordinance 2740 is hereby amended to read as follows:

150.95 Scope of the Appeal

The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal and City Council may only consider comments on these factual findings and conclusions. ~~Persons participating in the appeal may present new information to City Council that was not presented to the Hearing Examiner only if it is relevant to the specific factual findings and conclusions disputed in the letter of appeal.~~ The appeal will be considered only on the record developed in the hearing before the Hearing Examiner.

Section 19: Section 150.145.2 of Ordinance 2740 is hereby amended to read as follows:

2. Exception - Subsequent Modification

If a specific use or site plan is approved through this Process or any quasi-judicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this Process for a subsequent change in use or site plan unless--

- a. The subject property is redeveloped and the value of the redevelopment exceeds 50% of the value of any structures that existed on the subject property immediately prior to the redevelopment; or

- b. There is a change in use and this Code establishes different or more rigorous standards for the new use than for the existing use; or
- c. There will be a change to a site plan that was specifically approved ~~through this process~~; or less than 5 years from the date of the proposed modification; or exceeds 25% of the replacement cost of all structures on the subject property; or
- d. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

Section 20: - Section 152.70 of Ordinance 2740 is hereby amended to read as follows:

- 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.
- 2. Decision to Reconsider - Within 4 ~~14~~ working days after receiving a request for reconsideration, the Hearing Examiner shall notify the person requesting the reconsideration whether or not the Hearing Examiner will reconsider the recommendation. The Hearing Examiner may reconsider the recommendation only if he/she concludes that there is substantial merit in the request.
- 3. Effect - If the Hearing Examiner grants a request to reconsider any aspect of the recommendation, the matter will not be taken to City Council until the matter has been reconsidered as established in paragraph 4 of this Section.
- 4. Process - If the Hearing Examiner reconsiders the decision, the provision of Section 30 through 65 of this Chapter will be followed except that--
 - a. The Hearing Examiner may limit the reconsideration by--

- 1) Limiting the persons who may participate in the reconsideration to the persons who have a right to challenge the recommendation of the Hearing Examiner; and
- 2) Limiting the aspects of the decision that will be reconsidered; and
- 3) Limiting the nature of the reconsideration by only receiving written comments and by not holding a new public hearing.

Any limitations will be included in the notice given under Section 30 of this Chapter; and

- b. If the Hearing Examiner limits the persons who may participate in the reconsideration under paragraph 4.a.1) of this Section, the Planning Official shall send notice under Section 30 of this Chapter only to those persons. In all other cases, the Planning Official shall send this notice to the persons described in paragraph 4.a.1) of this Section in addition to the persons described in Section 30.2 of this Chapter.

Section 21: Section 152.80.2 of Ordinance 2740 is hereby amended to read as follows:

2. Contents of a Challenge - The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Hearing Examiner that are contested. The challenge will be considered only on the record developed in the hearing before the Hearing Examiner.

Section 22: - Section 152.85.3 of Ordinance 2740 is hereby amended to read as follows:

3. Decisional Criteria - The City Council shall use the criteria listed in the provision of this Code describing the requested decision in deciding upon the application. In addition, the City Council may approve the application only if:
 - a. It is consistent with the goals and policies of the Comprehensive Plan;
 - b. It is not inconsistent with any specific provisions of the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.

Section 23: - Section 152.120.2 of Ordinance 2740 is hereby amended to read as follows:

2. Exception - Subsequent Modification

If a specific use or site plan is approved through this Process or any quasi-judicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this Process for a subsequent change in use or site plan unless--

- a. The subject property is redeveloped and the value of the redevelopment exceeds 50% of the value of any structures that existed on the subject property immediately prior to the redevelopment; or
- b. There is a change in use and this Code establishes different or more rigorous standards for the new use than for the existing use; or
- c. There will be a change to a site plan that was specifically approved through ~~this Process~~, or less than 5 years from the date of the proposed modifications; or exceeds 25% of the replacement cost of all structures on the subject property; or
- d. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the city as a result of the change.

Section 24: Section 155.70.6 of Ordinance 2740 is hereby amended to read as follows:

6. If the Planning Commission Cannot Agree on a Recommendation - If the Planning Commission is unable to pass a motion containing a recommendation to City Council, the Planning Official shall notify City Council that the Planning Commission is unable to make a recommendation on the matter. City Council shall then take jurisdiction over the matter and hold a public hearing on it. If this occurs, the provisions of Sections 30 and 35 of this Chapter and Sections 45 through 115 of this Chapter will be followed in this hearing process, except that--

- a. City Council will act as the Planning Commission; and

- b. City Council shall make and issue a decision rather than a recommendation under Sections 70 and 75 of this Chapter. This decision is the final decision of the City subject to a request for reconsideration, Section 80 of this Chapter and, subject to the jurisdiction of the Houghton Community Council, Section 100 of this Chapter.

Section 25: Section 155.75 of Ordinance 2740 is hereby amended to read as follows:

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 working 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.
2. Decision to Reconsider - Within ~~4-week~~ 14 working days after receiving a request for reconsideration, the Planning Official shall notify the person filing the request of the decision of the Chairperson of the Planning Commission whether or not the Planning Commission will reconsider its recommendation.
3. Effect - If the Chairperson of the Planning Commission grants a request to reconsider any aspect of the recommendation, the matter will not be taken to City Council until the matter has been reconsidered as established in paragraph 4 of this Section.
4. Process - If the Planning Commission reconsiders the recommendations, the provisions of 30 and 35 of this Chapter and 45 through 115 of this Chapter will be followed except that--
 - a. The Chairperson of the Planning Commission may limit the aspects of the recommendation that will be reconsidered. Any limitation on the aspects to be reconsidered will be included in the notice under Section 30 of this Chapter; and
 - b. In addition to the distribution of notice under Section 30 of this Chapter, the Planning Official shall send notice of the

reconsideration to each person entitled to file a challenge to the Planning Commission's recommendation under Section 85 of this Chapter.

Section 26: Section 155.85.2 of Ordinance 2740 is hereby amended to read as follows:

2. Contents of a Challenge - The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Planning Commission that are contested. The challenge will be considered only on the record developed in the hearing before the Planning Commission.

Section 27: Section 155.125.2 of Ordinance 2740 is hereby amended to read as follows:

2. Exception - Subsequent Modification

If a specific use or site plan is approved through this Process or any quasi-judicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this Process for a subsequent change in use or site plan unless--

- a. The subject property is redeveloped and the value of the redevelopment exceeds 50% of the value of any structures that existed on the subject property immediately prior to the redevelopment; or
- b. There is a change in use and this Code establishes different or more rigorous standards for the new use than for the existing use; or
- c. There will be a change to a site plan that was specifically approved through this Process; or less than 5 years from the date of the proposed modification; or exceeds 25% of the replacement cost of all structures on the subject property; or
- d. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the city as a result of the change.

Section 28: Section 160.90 of Ordinance 2740 is hereby amended to read as follows:

1. Publication - If City Council adopts an ordinance, the City Clerk shall ~~publish the text of that ordinance in the official newspaper of the City.~~ post or publish the ordinance as required by law.

2. Effect - Except as stated in Section 95 of this Chapter, the ordinance will be in effect from and after five (5) days after it is ~~published in the official newspaper of the City,~~ posted or published as required by law.

Section 29: Section 162.35.3 of Ordinance 2740 is hereby 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 additions, changes or alterations or doing work, ~~in any 12-month period to the subject property in any 12-month period~~ any structure that houses or supports the use that exceeds 25% of the replacement cost of that structure; all structures on the subject property; 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. The applicant is going to replace the use with a different use; or
- c. 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.

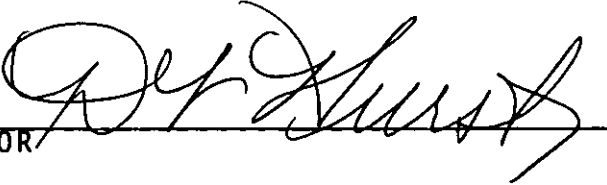
Section 30. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 31. 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 32. Except as provided for above in Section 33, 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 6th day of June, 1983.

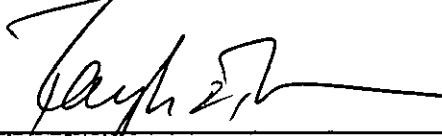
SIGNED IN AUTHENTICATION thereof this 6th day of June, 1983.


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 8th day of June, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Deputy City Clerk

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