

ORDINANCE NO. 2756

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

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 March 20, 1983. The Responsible Official evaluated this proposal and issued a Declaration of Non-Significance on March 22, 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 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 July 5, 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 115.60.2 of Ordinance 2740 is hereby amended to read as follows:

2. Exceptions

- a. Vents, chimneys, mechanical penthouse and similar elements that generally must be above the roof-line for proper operation and the required screening for these elements; may exceed the applicable height limitation if, except for detached dwelling units, this is approved through Process I, described in Chapter 145 of this Code. The City will approve the application

if substantial and demonstrated hardship would result to the property owner if the appurtenance did not exceed the height limitation. Any appurtenance, other than chimneys and antennas, that exceeds the applicable height limitation must be screened from all streets and nearby properties.

- b. Dish antennas may not be placed above the maximum height allowed for any structure unless approved through Process I, described in Chapter 145 of this Code. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. For the purposes of this Section, "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30% of its vertical dimension. The phrase "rod or wire antenna" includes only those antennas not falling within the definition of "dish antenna." The Planning Director may require screening of such dish antennas when placed above the roofline.

Section 2: Section 115.120 of Ordinance 2740 is hereby amended to read as follows:

115.120 - Rooftop Appurtenances, Required Screening

Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be architecturally screened; except for rod, and wire antennas and dish antennas approved pursuant to 115.60.2.b. The height of the screening must be at least as high as the rooftop appurtenances.

Section 3. 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 4. 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 5. 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 5th day of July, 1983.

SIGNED IN AUTHENTICATION thereof this 5th day of July, 1983.




MAYOR Pro Tem

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 July, 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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