

ORDINANCE NO. 2771

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 2740 on September 20, 1982; and

WHEREAS, the City Council did adopt amendments to this zoning Code by Ordinances 2729, 2749, and 2756; and

WHEREAS, during the use of 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 ordinance on August 3, 1983. The Responsible Official evaluated this proposal and issued a Declaration of Non-Significance on August 9, 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 held a public hearing and considered this proposed ordinance on September 27, 1983. The Planning Commission held a public hearing and considered this proposed ordinance on October 6, 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 October 17, 1983 and concluded that it would be within the public interest consistent with the Comprehensive Plan and said recommendations to adopt it.

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

Section 1: Section 5.10.20 of Ordinance 2740 is hereby amended to read as follows:

5.10.20 - Adjoining

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

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Section 2: Section 5.10.145 of Ordinance 2740 is hereby amended to read as follows:

5.10.145


Commercial Zones - BN; BC; CBD; ~~FI-I~~; FC-I; ~~FI-II~~; FC-II; PLA 4; PLA 8; and PLA 13A.

Section 3: Section 5.10.595 of Ordinance 2740 is hereby amended to read as follows:

Office Zones - The following zones: PO; PR 5.0 ~~(RS-5000)~~; PR 3.6 ~~(RM-3600)~~; PR 2.4 ~~(RM-2400)~~; PR 1.8 PLA 3; PLA 5B; C; PLA 6B; D; PLA 10; PLA 11; PLA 13B; FC-I; FC-II; FC-III.

Section 4: Section 20.10.a of Ordinance 2740 is hereby amended as shown below:

Section

Zone 	Section 20.10.a.
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Directions: FIRST, read down to find USE... THEN, across for REGULATIONS. **USE ZONING CHART**

REGULATIONS USE	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING	SPECIAL REGULATIONS
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE				
			FRONT	SIDE	REAR						
Detached Dwelling Units	None	5,000 sq ft	20'	5' but, 2 side yards must equal at least 15'	10'	50%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	A	2.0 per unit	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of the size of the lot. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Any required yard abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot the structure exceeds 25 feet above average building elevation. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Detached, Attached, or Stacked Dwelling Units	If the use exceeds one unit per 2,400 sq. ft. of lot area, then a PRUD Chapter 125 is required. Otherwise, none	7,200 sq.ft. with a density as established on the Zoning Map. See Special Regulation #1	20'	5' but, 2 side yards must equal at least 15'	10'	60%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above building elevation. Otherwise, 30' above average building elevation.	D	A	1.7 per unit	<ol style="list-style-type: none"> Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> In RM 3.6 Zones the minimum lot area per unit is 3,600 sq.ft. In RM 2.4 Zones the minimum lot area per unit is 2,400 sq.ft. In RM 1.8 Zones the minimum lot area per unit is 1,800 sq.ft. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The subject property must contain at least 200 sq. ft. per unit of common open space suitable for many activities. If the subject property contains six or more units, this required open space must be in one or more pieces each having a length and width of at least 20 feet. In addition, if the subject property contains 30 or more units, at least 50% of this required open space must be in one or more pieces each having a length and width of at least 40 feet. 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 Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details. Any required yard abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot the structure exceeds 25 feet above average building elevation. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.


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Section 5: Section 25.10.b of Ordinance 2740 is hereby amended as shown below:

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

USE ZONING CHART

Zone 	Section 25.10.b.
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REGULATIONS USE	REQUIRED REVIEW PROCESS	MINIMUMS				MAXIMUMS				LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACE	SPECIAL REGULATIONS
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	C	D				
			FRONT	SIDE	REAR								
<p>Development Containing Attached Dwelling units and Office Uses. See Special Regulation #1</p> <p>Development Containing Stacked Dwelling Units and office uses. This use is not permitted in PR(RS 5.0) Zones. See also Special Regulation #1</p>	None	7,200 sq.ft. with a residential density as established on the Zoning Map. See Special Regulation #2. See also Special Regulation #3 for the maximum amount of office space allowed.	20'	5', but 2 side yards must equal at least 15'	10'	70%	<p>If adjoining a low density zone, then 25' above average building elevation.</p> <p>Otherwise, 30' above average building elevation.</p>	C	D	See Section 105.25	<ol style="list-style-type: none"> A veterinary office is not permitted in any development containing dwelling units. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> In PR 5.0 zones, the minimum lot area per unit is 5,000 sq.ft. In PR 3.6 zones, the minimum lot area per unit is 3,600 sq.ft. In PR 5.0 zones, the minimum lot area per unit is 5,000 sq.ft. In PR 2.4 zones, the minimum lot size per unit is 2,400 square feet. In PR 1.8 zones, the minimum lot area per unit is 1,800 square feet. The maximum amount of allowable floor area for office use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property - The number of dwelling units proposed) x the average square footage of the dwelling units proposed = The amount of square footage available for office use. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The subject property must contain at least 200 sq. ft. per unit of common open space suitable for many activities. If the subject property contains six or more units, this required open space must be in one or more pieces each having a length and width of at least 20 feet. In addition, if the subject property contains 30 or more units, at least 50% of this required open space must be in one or more pieces each having a length and width of at least 40 feet. 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 Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 		
Restaurant or Tavern	Process IIB Chapter 152	7,200 sq.ft.	20'	5', but 2 side yards must equal at least 15'	10'	80%	<p>If adjoining a low density zone, then 25' above average building elevation.</p> <p>Otherwise, 30' above average building elevation.</p>	B	E	1 per each 100 sq.ft of gross floor area	<ol style="list-style-type: none"> This use may be permitted only if it is specifically consistent with the comprehensive plan in the proposed location. May be permitted only if traffic and noise impacts on residential area from this use will not exceed those impacts from an office use. 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 Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 		

Footnotes

- _____ or 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.

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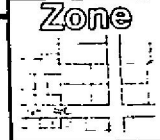
Section 6: Section 30.10.a of Ordinance 2740 is hereby amended as shown below:

USE ZONE CHART

Zone

Section

30.10.a.



USE	REGULATIONS	MINIMUMS										MAXIMUMS		SPECIAL REGULATIONS
		REQUIRED REVIEW PROCESS	LOT SIZE	REQUIRED YARDS				LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	REQUIRED PARKING SPACES			
				FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE							
Detached Dwelling Unit	Process I Chapter 145	5,000 sq. ft.	20' See also Spec. Reg. #2	The greater of-- a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	10'	The greater of-- a. 15' or b. 15% of the average parcel depth	100%	30' above average building elevation. This provision may not be varied.	E	2.0 per Unit	<ol style="list-style-type: none"> 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. The required 20' front yard may be reduced 1' for each 2' of this yard that is developed as a public use area if-- <ol style="list-style-type: none"> No portion of a structure within 20' of the front property line exceeds 25' above average building elevation; and Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and The design of the public use area is specifically approved by the City. No more than 35% of the lot area landward of the high waterline may be covered with buildings. A contiguous piece equal to 30% of the average parcel width must be open and free of all structure and landscaping that extends higher than a line that starts at the high waterline and ends 3 1/2 feet above the centerline of the frontage road. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation. See Section 11 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. 			
Attached or Stacked Dwelling Units	Process IIB Chapter 152	7,200 sq. ft. with at least 3,600 sq. ft. per unit	20' See also Spec. Reg. #4	The greater of-- a. 15' or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'	10'	The greater of-- a. 15' or b. 15% of the average parcel depth	100%	30' above average building elevation. This provision may not be varied.	D	2.0 per Unit	<ol style="list-style-type: none"> No structures, other than moorage structures, may be waterward of the high waterline. For the regulations regarding moorages, see the moorage listings in this zone. If this use is proposed on a subject property that will also contain non-residential uses, the amount of floor area that can be devoted to non-residential uses is computed using the following formula: (The maximum number of dwelling units allowed on the subject property - the number of dwelling units proposed) x the average square footage of the dwelling units proposed = the amount of square footage available for non-residential use, excluding moorage structures. 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. The City shall require signs designating the public pedestrian access and public uses areas. The required 20' front yard may be reduced 1' for each 2' of this yard that is developed as a public use area if-- <ol style="list-style-type: none"> No portion of a structure within 20' of the front property line exceeds 25' above average building elevation; and 			

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

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 7: Section 30.10.f of Ordinance 2740 is hereby amended as shown below:

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

USE ZONE CHART

Zone 	Section 30.10.f.
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS				MAXIMUMS			REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				FRONT	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY		
					NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE					
Restaurant or Tavern	Process I1B Chapter 152	7,200 sq. ft.	20' See also Spc. Reg. #3	The greater of-- a. 15' or b. 1½ times the height of the primary structure above average building elevation minus 10'	10'	The greater of-- a. 15' or b. 15% of the average parcel depth	100%	30' above average building elevation. This provision may not be varied.	B	See Section 105.25	<ol style="list-style-type: none"> 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. 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. The required 20' front yard may be reduced 1' for each 2' of this yard that is developed as a public use area if-- <ol style="list-style-type: none"> No portion of a structure within 20' of the front property line exceeds 25' above average building elevation; and Substantially the entire width of this yard, from north to south property lines, is developed as a public use area; and The design of the public use area is specifically approved by the City. No more than 35% of the lot area landward of the high waterline may be covered with buildings. A contiguous piece equal to 30% of the average parcel width must be open and free of all structure and landscaping that extends higher than a line that starts at the high waterline and ends ¾ feet above the centerline of the frontage road. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. Must mitigate traffic impacts of the development. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. Outside storage is not permitted. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation. See Section 11 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. The following regulations apply only to Restaurants and Taverns: <p>A take-out or fast food service area, comprising no more than 20% of the gross floor area of this use, may be permitted if it will be compatible with nearby uses. The City may limit hours of operation and impose other limitations on site design to reduce or eliminate all adverse impact. Drive Through and drive in facilities are not permitted.</p> 	
Retail Establishment, other than those specifically listed in this zone, selling products designed and marketed for use in connection with boating, fishing or other water dependent activities.	Process I1B Chapter 152	7,200 sq. ft.	20' See also Spc. Reg. #3	The greater of-- a. 15' or b. 1½ times the height of the primary structure above average building elevation minus 10'	10'	The greater of-- a. 15' or b. 15% of the average parcel depth	100%	30' above average building elevation. This provision may not be varied.	B	5028B		

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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 8: Section 50.15.a of Ordinance 2740 is hereby amended as shown below:

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

USE ZONE CHART

Zone 	Section 50.15.a.
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS			LANDSCAPE SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE			
				FRONT	SIDE	REAR					
A retail establishment providing new vehicle or boat sales		If the structure exceeds 35' above average building elevation, then Process IIB Chapter 152 Otherwise, none	None	0' See also Spc. Reg. #3	0'	0'	100%	No maximum See also Special Regulation #3	A E	See Section 16 of this Chapter	<ol style="list-style-type: none"> Vehicle and boat rental and used vehicles or boat sales or service are allowed as part of this use. Vehicle service stations are not permitted in this zone. Drive-in facilities and drive-through facilities are not permitted in this zone. 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.
Fast Food Restaurant		If the structure exceeds 35' above average building elevation, then Process IIB Chapter 152 Otherwise, none	None	0' See also Spc. Reg. #2	0'	0'	100%	No maximum See also Special Regulation #2	B E	See Section 16 of this Chapter	<ol style="list-style-type: none"> Drive-in facilities and drive-through facilities are not permitted in this zone. 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. Must provide one outdoor waste receptacle for every 8 parking stalls. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Any Retail establishment, other than those specifically listed in this zone, selling goods or providing services including banking and related financial services		If the structure exceeds 35' above average building elevation, then Process IIB Chapter 152 Otherwise, none	None	0' See also Spc. Reg. #3- #2	0'	0'	100%	No maximum See also Special Regulation #3- #2	B E	See Section 16 of this Chapter	<ol style="list-style-type: none"> Drive-in facilities and drive-through facilities are not permitted in this zone. 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.
Private Lodge or Club		If the structure exceeds 35' above average building elevation, then Process IIB Chapter 152 Otherwise, none	None	0' See also Spc. Reg. #3- #2	0'	0'	100%	No maximum See also Special Regulation #3- #2	C B	See Section 16 of this Chapter	<ol style="list-style-type: none"> Drive-in facilities and drive-through facilities are not permitted in this zone. 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.

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 9: Section 70.20 of Ordinance 2740 is hereby amended to read as follows:

70.20 - Effect - General

If the City Council enacts an Ordinance designating an area as an Unstable Slope Overlay Zone, an "S" will be placed on the area on the Zoning Map. Any development of property designated as an Unstable Slope Overlay Zone must comply with Section 25 through 40 of this Chapter. To the extent that the provisions in Section 25 through 40 of this ~~Code~~ 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.

Section 10: Section 75.30 of Ordinance 2740 is hereby amended to read as follows:

75.30 Effect - General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an "HL" will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under Section ~~25-20~~ 25.2 of this Chapter may be altered in any manner except as provided in Section 35 through 50 of this Chapter.
2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.
3. The other requirements of this Code apply to the subject property unless they conflict with a specific provision of Section 30 through 50 of this Chapter. Where a conflict exists, the provisions of this Chapter govern.

Section 11: Section 105.80.1 of Ordinance 2740 is hereby amended to read as follows:

105.80 Parking Area Design - Buffering

1. General - Except as specified in paragraph 2 of this section, the applicant shall buffer the area from the ~~street~~ right-of-way and from adjacent property with a 5-foot wide strip along the perimeter of the parking area planted as follows:

- a. One row of trees, 2" in diameter as measured 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.
- b. Ground cover planted to attain a coverage of at least 60% of the strip area within 2 years.

Section 12: Section 110.35 of Ordinance 2740 is hereby amended as shown below:

110.35 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on a Neighborhood Access Street. See also Sections 65 through 70 of this Chapter for other requirements that apply to improvements in the rights-of-way.

RIGHT-OF-WAY CATEGORY ↓	REGULATIONS ↓						
	RIGHT OF WAY WIDTH	PAVEMENT WIDTH	CURB/STORM SEWER	LANDSCAPE STRIP PLACEMENT AND WIDTH	STREET TREES	SIDEWALK PLACEMENT WIDTH	UTILITY STRIP PLACEMENT AND WIDTH
Neighborhood Access with Landscape Strip See also Special Regulation #1	50'	28' See also Spc. Reg. #3-#2	Must install vertical curb and underground storm sewer with through curb inlets and bicycle grates.	Must install a 5' wide landscape strip adjacent to the curb.	Must plant street trees approximately 30' on center in the landscape strip.	A sidewalk, 5 foot wide, must be installed adjacent to the landscape strip.	Must provide a utility strip adjacent to the property line. All excess right-of-way width must be in this utility strip. See also Special Regulation #3.
Neighborhood Access without Landscape Strip See also Special Regulation #1	50'	28' See also Spc. Reg. #3-#2	Must install vertical curb and underground storm sewer with through curb inlets and bicycle grates.	None required	Must plant street trees approximately 30' on center on the property line.	A sidewalk, 5 foot wide, must be installed adjacent to the curb.	

Special Regulations

1. A landscaping strip must be provided unless one of the following applies:
 - a. A sidewalk is neither required nor proposed.
 - b. The subject property is in other than a low density residential zone.
 - c. The average slope of the ground from the right-of-way to the front yard setback line is more than 50% (22.5°).
 - d. The Public Services Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on adjacent property will increase this strip in the future.
2. The improvements must be centered in the right-of-way.

Section 13: Section 125.35 of Ordinance 2740 is hereby amended to read as follows:

125.35 Decision on the PRUD - Density

The maximum residential densities that the City may approve in a PRUD are as follows:

1. ~~If the PRUD is sponsored, supported, proposed or underwritten by a government entity to provide~~ provides housing or care to low income persons, the elderly, or mentally, physically or emotionally impaired persons, the allowable density will be determined on a case-by-case basis based on the following factors:

- a. The proposed size of the units.
- b. The nature of the facility.
- c. The impacts of the proposed development in comparison to the impacts of traditional residential uses. Including, but not limited to, consideration of the following factors:
 - 1) Traffic generation.
 - 2) Noise levels.
 - 3) Building bulk, design and orientation.
 - 4) The demand on public services.

If a project is approved under this section, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PRUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be ~~filed by the applicant~~ recorded in the King County Bureau Department of Elections and Records.

Section 14: Section 130.45.4.b. of Ordinance 2740 is hereby amended to read as follows:

130.45 Quasi-Judicial Non-Project Rezones - Criteria

The City may approve an application for a non-project rezone only if it finds that--

1. The proposed rezone is specifically consistent with the Comprehensive Plan; and
2. The proposed rezone bears a substantial relation to public health, safety, or welfare; and
3. The proposed rezone is in the best interest of the residents of Kirkland; and
4. The proposed rezone is necessary because either
 - a. Conditions in the immediate vicinity have so markedly changed that a rezone is required in the public interest; or
 - b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or
 - c. The rezone is to place or remove an overlay zoning designation on the Zoning Map and the proposal meets the applicable designation criteria of Chapter 70 through 80 of this Code.

Section 15. Section 145.30 of Ordinance 2740 is hereby amended to read as follows:

145.30 Notice

2. Distribution - The Planning Official shall distribute this notice at least 14 days before the deadline established in paragraph 1.f., of the section as follows:
 - a. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

- b. At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on every public right-of-way providing primary vehicular access to any property that abuts the subject property.
- c. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

Section 16: Section 145.45.5 of Ordinance 2740 is hereby amended to read as follows:

- 5. Issuance of Written Decision - Within one-work day two working days after the Planning Director's written decision is issued the Director shall distribute the decision as follows:
 - a. A copy will be mailed to the applicant.
 - b. A copy will be mailed to each person who submitted written comments to the Director.

Section 17. Section 150.30 of Ordinance 2740 is hereby amended to read as follows:

150.30 Notice

- 2. Distribution - The Planning Official shall distribute this notice at least 14 days before the public hearing as follows:
 - a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

- d. At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.
- e. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

Section 18. Section 152.30 of Ordinance 2740 is hereby amended to read as follows:

152.30 Notice

- 2. Distribution - The Planning Official shall distribute this notice at least 14 days before the public hearing as follows:
 - a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.
 - d. At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.
 - e. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

Section 19. Section 155.30 of Ordinance 2740 is hereby amended to read as follows:

155.30 Notice

2. Distribution - The Planning Official shall distribute this notice at least 14 days before the public hearing as follows:
 - a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.
 - d. At least 3 copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.
 - e. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

Section 20: Section 160.40.2 of Ordinance 2740 is hereby amended to read as follows:

2. Distribution - The Planning Official shall distribute this notice at least 14 days before the public hearing as follows.
 - a. A copy of the notice will be published in the official newspaper of the City.
 - b. ~~A copy will be published in another daily newspaper in general circulation in the City.~~
 - e.b. A copy of the notice will be posted on each of the official notification boards of the City.

d.c. If the proposal is to reclassify land on the Zoning Map, three or more copies of the notice will be conspicuously posted in the area affected by the proposed reclassification.

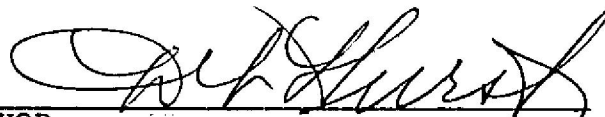
Section 21: If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 22: 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 23. 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 17th day of October, 1983.

SIGNED IN AUTHENTICATION thereof this 17th day of October, 1983.



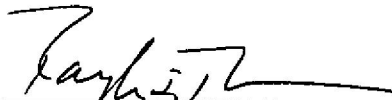
MAYOR

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 20th day of October, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.



DEPUTY CITY CLERK

5564B/0032A