

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, 2756, 2771, and 2791; 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 February 29, 1984. The Responsible Official evaluated this proposal and issued a Declaration of Non-Significance on March 2, 1984. 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 March 27, 1984. The Planning Commission held a public hearing and considered this proposed ordinance on April 5, 1984. 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 April 16, 1984 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. Chapter 5.10 of Ordinance 2740 is hereby amended to add the following sections:

5.10.192. Day-Care Center - In RS Zones, A Day-Care operation with thirteen (13) or more children at any one time. For all other zones, see Day-Care Operation.

5.10.193. Day-Care Home - A Day-Care operation with no more than six (6) children at any one time.

- 5.10.194. Day-Care Operation - The temporary care of children in a residence or structure on a regular recurring basis for pay or other valuable consideration, including but not limited to the furnishing of shelter, sustenance, supervision, education or other supportive services.
- 5.10.527. Mini-Day-Care Center - A Day-Care operation with seven (7) to twelve (12) children at any one time.
- 5.10.632. Parking Area - Any area designed and/or used for parking vehicles.

Section 2: Section 5.10.240 is hereby amended to read as follows:

- 5.10.240 Driveway - ~~The Area of the subject property designed for and used by the vehicles to move from the street to the vehicle parking area within the subject property.~~ An area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.

Section 3: Section 15.10.b of Ordinance 2740 is hereby amended as shown below:

USE ↓	REGULATIONS ↓	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS.								USE ZON		
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE				
				FRONT	SIDE	REAR						
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		
School or Day Care Center	If this use can accommodate 13 or more students or children, then Process IIB Chapter 152 Otherwise, Process IIA Chapter 150 See Special Regulation #10	As established on the Zoning Map. See Special Regulation #1.	50'	If this use can accommodate 50 or more students or children, then 50' on each side If this use can accommodate 13 to 49 students or children, then 20' on each side Otherwise— 5', but 2 side yards must equal at least 15 feet.	50'	70%	25' above average building elevation	D	B	Section 105.25		

CHART

Zone

RS

Section

15.10.b

SPECIAL REGULATIONS

1. Minimum lot size per dwelling unit is as follows:
 - 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.
1. Minimum lot size per dwelling unit is as follows:
 - 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—
 - 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:
 - 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. 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.

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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.

REGULATIONS ↓ USE	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS.										USE ZON
	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS					REQUIRED PARKING SPACES
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		
			FRONT	SIDE	REAR						
Mini-Day Care Center (7-12 children) Day Care Home (6 children or less)	Process I Chapter 145 None	As established on the Zoning Map See Special Regulation #1	20'	5' but 2 side yards must equal at least 15'	10'	50%	25'	E	B	See Section 105.25	

CHART

Zone

RS

Section

15.10.b

SPECIAL REGULATIONS

1. Minimum lot size per dwelling unit is as follows:
 - 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--
 - 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 is required along the property line adjacent to the outside play areas for mini-day care centers only.
4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
5. Structured play areas must be setback from all property lines by 5'.
6. May include accessory living facilities for staff persons.
7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73) and Section 115.90 of this ordinance.

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Section 4: Section 75.47.1.d of Ordinance 2740 is hereby amended to read as follows:

75.47.1.d The City may not modify any provision that specifically applies to development on a wetland, flood plain, ~~and-unstable-slope-or~~ potentially-unstable-slope or regulated slope.

Section 5: Section 80.20 of Ordinance 2740 is hereby amended to read as follows:

80.20 Effect - General

If the City enacts an ordinance designating an area as an Equestrian Overlay Zone, an "EQ" will be placed on the area on the Zoning Map. This will have the following effects:

1. At the option of the applicant, equestrian uses and activities may either be ~~concluded~~ included under the applicable provision of Chapter 115 of this Code, regarding the keeping of animals in residential zones; or under Section 25 through 45 of this Chapter.
2. Equestrian related commercial uses and activities may be proposed under Sections 25 through 45 of this Chapter .
3. The other requirements of this Code apply to the subject unless they conflict with a specific provision of Section 20 through 45 of this Chapter. Where a conflict exists, the provision of this Chapter govern.

Section 6: Section 105.75 of Ordinance 2740 is hereby amended to read as follows.

105.75 Parking Area Design - Landscaping

1. General - Except as specified in paragraph 2 of this section, the applicant shall arrange the spaces ~~to~~ so that there are no more than 8 contiguous spaces. An island or peninsula of the same dimensions as the adjacent parking stalls, must separate each group of spaces. This island or peninsula must be surrounded by a 6" high cast in place vertical curb and must be landscaped with at least one deciduous tree, 2" in diameter as measured using the standards of the American Association of Nurserymen or a coniferous tree 5' in height.

Section 7: Section 110.30 of Ordinance 2740 is hereby amended as shown below:

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
Cul-de-sac with Landscape Strip See also Special Regulation #1	See also Spec. Reg. #5	50'	28' See also Spc. Reg. #4	Must install vertical curb and underground storm sewer with through curb inlets and bicycle grates.	Must install a 5' landscape strip adjacent to the curb.	Must plant street trees approximately 30' on center along the landscape strip.	If required under Special Regulation #2, a sidewalk, 5' wide, must be installed adjacent to the landscape.	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 #4.
Cul-de-sac without Landscape Strip See also Special Regulation #1	See also Spec. Reg. #5	50'	28' See also Spc. Reg. #4	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.	If required under Special Regulation #2, a sidewalk, 5' wide, must be installed adjacent to the curb.	

1. A landscape 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. A sidewalk is required under the following circumstances:
 - a. If the cul-de-sac is more than 400' long, a sidewalk must be provided both sides of the street and around the bulb of the cul-de-sac.
 - b. If a pedestrian access easement enters on to the cul-de-sac, a sidewalk must be provided to connect the easement to the next intersection.
3. The interior radius of the pavement in the bulb of the cul-de-sac must be a least 45' with a landscaped center island protected by a vertical curb. Roadway width in the bulb must be 28'.
4. The Public Services Director shall establish the side-to-side placement of the improvements in the right-of-way.
5. If no sidewalk is required or proposed, right-of-way width shall be 40'.

Special Regulations

Section 8: Section 115.115 of Ordinance 2740 is hereby amended to read as follows:

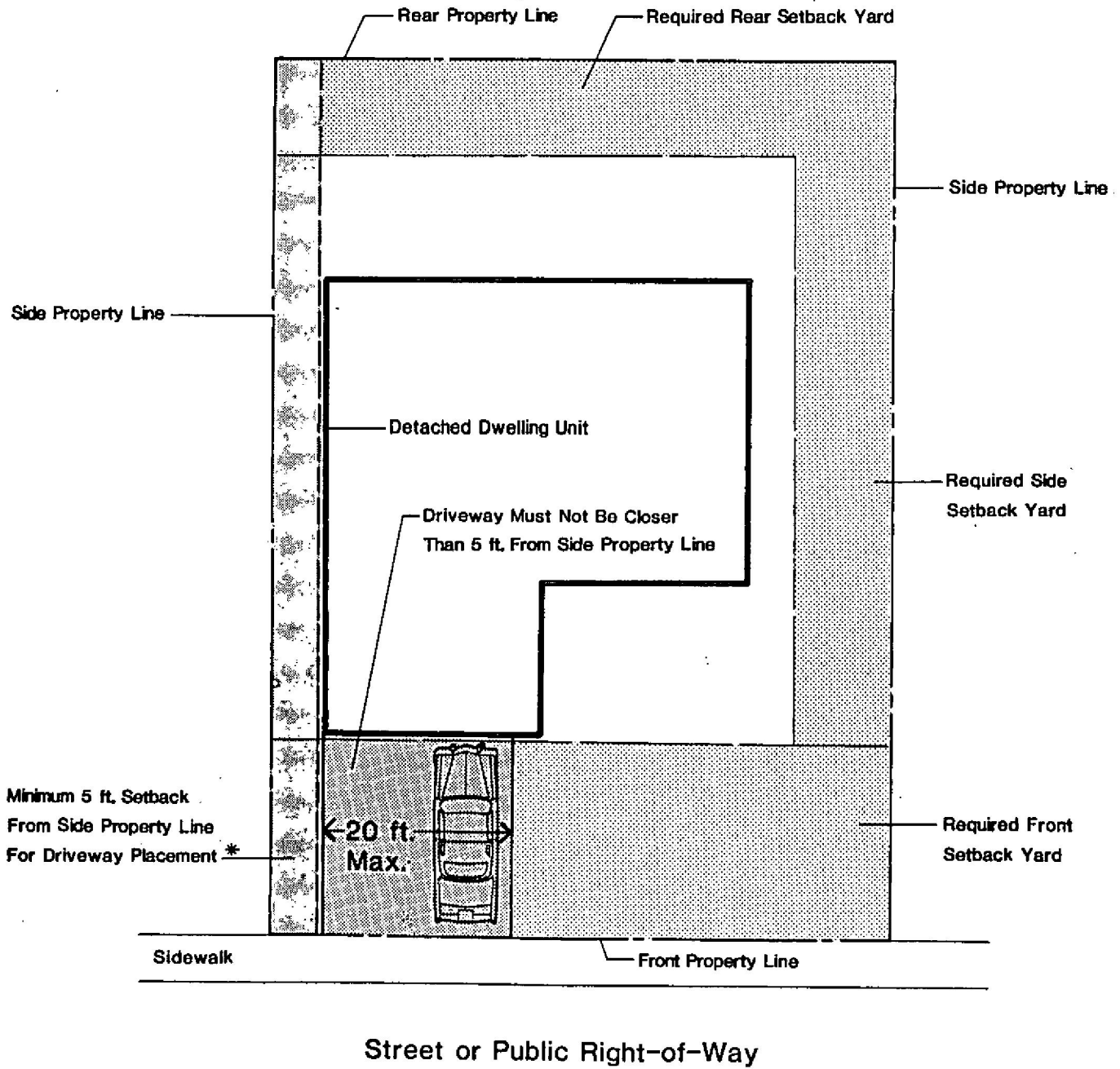
115.115 Required Yards

1. General - This Section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 65 of this Code.
2. Exceptions and Limitations in Some Zones - Chapters 15 through 65 contain specific regulations regarding what may be in or take place in required ~~setbaek~~ yards. Where applicable, those specific regulations supersede the provisions of this section.
3. Structures and Improvements - No improvement or structure may be in a required ~~setbaek~~ yard except as follows:
 - a. A driveway and/or parking area subject to the standards of sections 115.115.5.a and 115.115.5.b.
 - b. ~~AN~~ Any improvement or structure, other than a driveway and/or parking area, that is not more than 4 inches above finished grade may be anywhere in a required setback yard.
 - c. An improvement or structure, that is not more than 18 inches above finished grade may extend not more than 5 feet into a required ~~setbaek~~ yard.
 - d. Chimneys, bays, greenhouse windows, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required ~~setbaek~~ yard. The total horizontal dimension of the elements that extend into a required ~~setbaek~~ yard, excluding eaves, may not exceed 25% of the length of the facade of the structure. See Plate 10.
 - e. Fences may be located in required ~~setbaek~~ yards subject to the fence regulations contained within this Chapter.
 - f. Rockeries and retaining walls may be located in required ~~setbaek~~ yards if--

- 1) The rockery or retaining wall is not being used as a direct structural support for a major improvement; and
 - 2) The rockery or retaining wall is reasonably necessary to provide support to a cut or slope.
- g. In WD I and CBD D, improvements associated with public use and access areas may be located in any required yard. In WD I, WD II and CBD D, the landward end of a pier may be located in the High Water Line Yard.
- h. See paragraph 5 of this Section for regulations on parking areas.
- i. Those structures and improvements permitted in required setback yards by Section 115.105 of this chapter.
4. Outdoor Uses, Activities and Storage - Areas devoted to outdoor use, storage or structured activities, including structured recreation activities, may not be located in required setback yards except that, in CBD D, and in WD I, public use and access areas may be located in any required setback yard.
5. Parking Areas - Vehicles may not be parked in required setback yards except as follows:
- a. Residential Zones {RB, RM and WDI}
- 1) Residential Uses --- Vehicles may be parked in front yards, frontage road yards and rear yards of residential uses but only if the vehicle is parked on a driveway directly serving not more than 2 units and the driveway is not more than 20 feet in width. Detached Dwelling Units - Vehicles may be parked in the required front and rear yards if parked on a driveway and/or parking area. A driveway and/or parking area shall not exceed 20 feet in width in any required front and/or rear yard, and shall not be closer than 5 feet to any side property line (see Plate 12).

Plate 12

Driveway Configuration For Detached Dwelling Units



Plan View

*Subject to standards in Section 4.35.3.a of the City of Kirkland Subdivision Ordinance

2) ~~Non-Residential~~ Other Uses - Vehicle parking areas and/or parking lots shall have a minimum 20' setback from all front property lines and meet the minimum required setbacks from all other property lines for that use. ~~7-except-that,~~ Vehicle parking areas and/or parking lots, for schools and day care centers greater than 12 students shall have a minimum 20' setback from all property lines.

b. Office Zones, Commercial Zones and Light Industrial Zones - Parking for uses other than ~~residential-uses~~ Detached Dwelling Units in the following zones may be located within required setback yards, but not closer than 5 feet to the property line:

- | | |
|--------------|--------------|
| 1) PR Zones | 12) PLA 5D |
| 2) PO Zones | 13) PLA 6B |
| 3) BN Zones | 14) PLA 6D |
| 4) BC Zones | 15) PLA 6G |
| 5) CBD Zones | 16) PLA 6H |
| 6) LI Zones | 17) PLA 8 |
| 7) WD I | 18) PLA 10 |
| 8) PLA 3 | 19) PLA 11 |
| 9) PLA 4 | 20) FC Zones |
| 10) PLA 5B | 21) LI Zones |
| 11) PLA 5C | |

If the parking serves two adjacent uses, the parking area may be anywhere in the required setback yard between the uses.

~~e. --- 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 9: Section 122.20.2.b of Ordinance 2740 is hereby amended to read as follows:

122.20.2.b Any provision pertaining to the development on or near the wetland, flood plain, ~~unstable slope,~~ or potentially unstable slope or regulated slope.

Section 10: Section 125.20.4 of Ordinance 2740 is hereby amended to read as follows:

125.20.4 The City may not modify any provision that specifically applies to development on a wetland, flood plain, ~~unstable-slope-or-potentially unstable-slope~~ or regulated slope.

Section 11: Section 145.100.2 of Ordinance 2740 is hereby amended to read as follows:

145.100.2 Issuance of Written Decision - Within 14 days after the public hearing, the Hearing Examiner shall issue a written decision on the appeal. Within ~~one~~ two working days after it is issued, the Hearing Examiner shall distribute the decision as follows:

Section 12: Section 145.110 of Ordinance 2740 is hereby amended to read as follows:

145.110 Lapse of Approval

1. The applicant must begin the development activity, use of land, or other actions approved under this Chapter within one year after the final decision on the matter or the decision becomes void.

2. Time Extension

a. Application

The applicant may apply for a one time extension of up to one year by submitting a letter to the Planning Department, along with any other supplemental documentation, which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and that circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process

An application for a time extension will be reviewed by the Planning Official.

3. Appeals

a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

- b. How To Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.
- c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

Section 13: Section 150.135 of Ordinance 2740 is hereby amended to read as follows:

150.135 Lapse of Approval

- 1. The applicant must begin the development activity, use of land or other actions approved under this Chapter within one year after the final decision on the matter or this decision becomes void.
- 2. Time Extension
 - a. Application

The applicant may apply for a one time extension of up to one year by submitting a letter to the Planning Department, along with any other supplemental documentation, which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and that circumstances beyond his/her control prevent timely compliance.
 - b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.
 - c. Review Process

An application for a time extension will be reviewed by the Planning Official.
- 3. Appeals
 - a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

- b. How To Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.
- c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

Section 14: Section 152.110 of Ordinance 2740 is hereby amended to read as follows:

152.110 Lapse of Approval

- 1. The applicant must begin the development activity, use of land or other actions approved under this Chapter within one year after the final decision on the matter or the decision becomes void.

2. Time Extension

a. Application

The applicant may apply for a one time extension of up to one year by submitting a letter to the Planning Department, along with any other supplemental documentation, which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and that circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process

An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

- b. How To Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.
- c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

Section 15: Section 155.115 of Ordinance 2740 is hereby amended to read as follows:

155.115 Lapse of Approval

- 1. The applicant must begin the development activity, use of land or other actions approved under this Chapter within one year after the final decision on the matter or the decision becomes void.

2. Time Extension

a. Application

The applicant may apply for a one time extension of up to one year by submitting a letter to the Planning Department, along with any other supplemental documentation which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process

An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

- b. How To Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.
- c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

Section 16: Chapter 160 of Ordinance 2740 is hereby amended to read as follows:

CHAPTER 160 - PROCESS IV

160.05	User Guide
160.10	Planning Commission to Consider Proposal - Exception
160.15	Initiation of Proposals
160.20	Compliance with SEPA
160.25	Planning Commission Review
160.30	Effect of Planning Commission Review
160.35	Official File
160.40	Notice
160.45	Staff Report
160.50	Community Council Proceeding
160.55	Public Hearing
160.60	Material to be Considered
160.65	Electronic Sound Recordings
160.70	Public Comments and Participation at the Hearing
160.75	Continuation of the Hearing
160.80	Planning Commission Action
160.85	Planning Commission Report to City Council
160.90	Publication and Effect
160.95	Jurisdiction of the Houghton Community Council

160.05 User Guide

Various places in this Code indicate that certain proposals to amend the Zoning Map, this Code, and the LUPP must be reviewed and decided upon using Process IV. This Chapter describes how Process IV works.

~~If you are interested in proposing an amendment that requires approval through Process IV or if you wish to participate in a decision that will be made using this Process, you should read this Chapter.~~ However, this Chapter applies only if another provision of this Code specifically states that a decision on a proposed amendment will be made using Process IV.

160.10 Planning Commission to Consider Proposal - Exception

1. ~~---General---Except as provided in paragraph 2 of this Section, the Planning Commission will review proposals and make recommendations to City Council under the terms of this Chapter.~~
2. ~~---Exception---The City Council may, by ordinance or resolution, designate another commission, council, board or individual to review proposals and make recommendations to City Council under this Chapter. If this occurs, this other entity shall follow the applicable provision of this Chapter as if it were the Planning Commission.~~

160.15 Initiation of Proposals

A proposal that will be ~~decided upon~~ reviewed using this Chapter may be initiated by the ~~following~~ City Council or Planning Commission:

1. ~~Any person, by submitting the proposal in writing, along with any supporting information and the required fee established by ordinance to the Planning Department.~~
2. ~~City Council, by adopting a resolution submitting the proposal, along with any supporting information, to the Planning Commission.~~
3. ~~The Planning Commission~~

160.20 Compliance with SEPA

The State Environmental Policies Act (RCW 43.21C) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with State Regulations and City Ordinances issued under authority of SEPA.

~~160.25~~ ---Planning Commission Review

1. ~~---General---The Planning Commission shall review each proposal at one or more meetings and may request the Planning Department, or other Departments of the City, to provide any information or material on the proposal consistent with Section 60 of this Chapter.~~
2. ~~---Decision to Hold Hearing---Following its review, the Planning Commission shall direct the Planning Official to schedule the proposal for a public hearing if--~~

~~a.---The-proposal-was-initiated-by-City-Council,
or~~

~~b.---The-Planning-Commission, by-majority-vote-of
the-members-present, determine-that-either
the-proposal-has-merit-or-that-it-would-be
advisable-to-receive-public-comment-on-the
proposal.~~

~~3.---Notice-to-Initiator---The-Planning-Official-shall
send-a-written-notice-of-the-decision-of-the
Planning-Commission-whether-or-not-to-hold-a
public-hearing-on-the-proposal-to-the-initiator
of-the-proposal.~~

160.25 City Council Review

1. General - The City Council shall make a threshold review of each proposal to amend the Land Use Policies Plan and each legislative rezone proposal initiated by the Planning Commission. The City Council may request the Planning Department or any other department of the City, to provide any information or material on the proposal consistent with Section 60 of this Chapter.

2. Decision - Following its review, the City Council may decide that:

a. The proposal does not have merit and shall not be given further consideration; or

b. The proposal has merit and shall be considered by the Planning Commission at a public hearing.

c. The proposal shall be tabled.

160.30---Effect-of-Planning-Commission-Review

~~The-remainder-of-the-provisions-of-this-Chapter-will
be-followed-if--~~

~~a.---The-Planning-Commission-determines-that-the-proposal-has-merit-or-that-it-is-advisable-to receive-public-comment, and-votes-to-hold-a public-hearing-on-the-proposal, or~~

~~b.---The-proposal-was-submitted-by-the-City-Council.~~

~~A-decision-by-the-Planning-Commission-not-to-hold-a public-hearing-is-the-final-decision-of-the-City.~~

160.35 Official File

1. Contents - The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

160.40 Notice

1. Contents - The Planning Official shall prepare a notice of hearing for each proposal for which a public hearing will be held. This notice ~~will~~ shall contain the following information:
 - a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
 - b. A statement of how the proposal would change the affected provision.
 - c. A statement of what areas, zones or locations will be directly affected or changed by the proposal.
 - d. The time and place of the public hearing.
 - e. A statement of the availability of the official file.
 - f. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing before the Planning Commission to give comments orally.
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 of the notice will be posted on each of the official notification boards of the City.
 - (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.

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160.45 Staff Report

1. General - The Planning Official shall prepare a staff report containing--
 - a. An analysis of the proposal and a recommendation on the proposal; and
 - b. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution - The Planning Official shall distribute the staff report as follows:
 - a. A copy will be sent to each member of the Planning Commission prior to the hearing.
 - b. A copy will be sent promptly to any person requesting it.
 - c. If applicable, a copy will be sent to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.50 Community Council Proceeding

1. General - If the proposal is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may consider the proposal at a meeting or hold a public hearing on it. The Houghton Community Council and the Planning Commission may hold joint meetings or public hearings on the proposal.
2. Notice - If the Houghton Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in Section 40 of this Chapter.
3. Recommendation - The Houghton Community Council, by resolution approved by a majority vote of its entire membership, may make a recommendation on the proposal. The Planning Official shall present any recommendation of the Houghton Community Council to the Planning Commission before the Planning Commission takes a final vote on the proposal.

160.55 Public Hearing

1. General - The Planning Commission ~~will~~ shall hold one or more public hearings on a proposal ~~if: that proposal is made by City Council or if the Planning Commission determines that the proposal has merit or it is advisable to receive public comment on the proposal.~~
 - a. It is initiated by the City Council; or

- b. It is a proposal to amend the Land Use Policies Plan or a legislative rezone proposal which is initiated by the Planning Commission and which the City Council has reviewed and decided shall be considered at a public hearing; or
 - c. It is any other proposal initiated by the Planning Commission.
2. Hearing Declared Open - The hearings of the Planning Commission and the Houghton Community Council are open to the public.
 3. Effect - The hearing of the Planning Commission is the hearing for City Council. City Council need not hold another hearing on the proposal.

Section 17: Sections 160.10; 160.25; and 160.30; of ordinance 2740 are hereby repealed.

Section 18: 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 19: 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 20: This Ordinance shall be in force and take effect ~~five-(5)~~ twenty-five (25) 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 16th day of April, 1984 .


SIGNED IN AUTHENTICATION thereof this 16th day of April, 1984:

Loris Cooper
Mayor

Attest:


Tom Aderson
Director of Administration & 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 17th day of April, 1984 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.



DEPUTY CITY CLERK

6357B/0185A/SW:lf