

ORDINANCE NO. 2826

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE.

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland zoning ordinance, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated July 24, 1984 and bearing Kirkland Department of Planning and Community Development File No. IV-84-44; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on July 19, 1984 and July 24, 1984, held public hearings on the amendment proposals and considered the comments received at said hearings; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final declaration of non-significance (including supporting environmental documents) issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, in regular public meeting the City Council considered the report and recommendation of the Planning Commission, now, therefore,

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows: Section 35.15, Freeway Commercial Zone II, appearing on pages 73-76 of the Zoning Ordinance is amended as set forth in Exhibit 1 attached hereto and incorporated herein.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 3. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication or posting as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of August, 1984.

Signed in authentication thereof this 20th day
of August, 1984.

Doris Cooper
MAYOR

ATTEST:

Tam Aderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Joseph E. [Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the
foregoing ordinance was posted on the 20th day
of August, 1984 in accordance with the provisions
of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Tam Aderson
Clerk

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

USE ZONE CHART

Zone FC II	Section 35.15.a
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	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 the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise, 30' above average building elevation	A	F	See Section 105.25	<ol style="list-style-type: none"> 1. Primary vehicular access must be onto 120th Avenue N.E. Access directly onto N.E. 85th Street is not permitted unless alternate only if access onto 120th Avenue N.E. 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. 4-3. The City may require revision of the site plan must or additional landscaping in order to minimize noise and visual impacts on residential uses in the area. 5-4. Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street 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. 6-5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 7-6. 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. 9-7. 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. 9-8. 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 the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise, 30' above average building elevation	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%	Otherwise, 30' above average building elevation	A	F	1 per each 50 sq.ft. of gross floor area		

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Attachment "1" to Ordinance No. 2826

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.

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

USE ZONE CHART

Zone	Section
FC II	35.15b

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								
Hotel or Motel		Process IIA Chapter 150	20'	10' on each side	10'	80%	If adjoining a the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise 30' above average building elevation.	B	F	See Section 105.25	<ol style="list-style-type: none"> 1. Primary vehicular access must be onto 120th Avenue N.E. Access points directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible. should be limited with primary access onto side streets where feasible. 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 use 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. 4-3. The City may require revision of the site plan must or additional landscaping in order to minimize noise and visual impacts on residential uses in the area. 5-4. Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street 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. 6-5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 7-6. The following regulation applies only to hotels and motels: May include meeting and convention facilities. 8-7. 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. 		
A retail establishment selling groceries and related items		Process IIA Chapter 150	20'	10' on each side	10'	80%	If adjoining a the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise 30' above average building elevation.	B	F	1 per each 300 sq.ft. of gross floor area	<ol style="list-style-type: none"> 1. A particular use or development may be approved under this listing if-- <ol style="list-style-type: none"> a. The use or development is principally geared towards serving the freeway traveler; and b. It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. 2. Primary vehicular access must be onto 120th Avenue N.E. Access points directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible. should be limited with primary access onto side streets where feasible. 3. 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. 4. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 5-4. The City may require revision of the site plan must or additional landscaping in order to minimize noise and visual impacts on residential uses in the area. 6-5. Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street 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. 7-6. 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 the zone providing goods or 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 requirements of other uses in this Zone as a guide							See Section 105.25	<ol style="list-style-type: none"> 5566A/00B3A 		

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.

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

USE ZONE CHART

Zone

Section

FC II

35.15.c

REGULATIONS USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			LOT COVERAGE	MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			REQUIRED YARDS				HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY				
			FRONT	SIDE	REAR							

Variety or Department Store	Process III Ch. 150	5 acres	20'	10' on each side	10'	80%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation Otherwise 30' above average building elevation	A	B	1 per each 300 sq. ft. of gross floor area	
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- This use must contain at least 75,000 square feet of floor area.
- This use may involve both retail and wholesale sales, provided that retail sales constitute the predominant activity.
- Primary vehicular access must be onto 120th Avenue N.E. Access directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible.
- 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.
- The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.
- Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street 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.
- Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

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

USE ZONE CHART

Zone
FC II

Section
35.15.d

REGULATIONS USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			REQUIRED YARDS								
			FRONT	SIDE	REAR						
Office Use	Process II Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	5', but 2 side yards must equal at least 15'	10'	70%	If adjoining a the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise 30' above average building elevation	C	D	If a medical, dental, or veterinary office, then 1 per each 200 sq.ft. of gross floor area. Otherwise 1 per each 300 sq.ft. of gross	<ol style="list-style-type: none"> 1. Vehicular Access directly points onto N.E. 85th Street is permitted only if should be limited with primary access onto side streets is not possible, where feasible. 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 use 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+3. The City may require revision of the site plan must or additional landscaping in order to minimize noise and visual impacts on residential uses in the area. 5+4. Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street 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. 6+5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 7+6. The following regulations apply to veterinary office only: <ol style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. 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.
Detached Dwelling Units	None	7,200 sq ft per unit	20'	5', but 2 side yards must equal at least 15'	10'	50%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise, 30' above average building elevation	E	A	2.0 per unit	<ol style="list-style-type: none"> 1. For this use only one dwelling unit may be on each lot, regardless of lot size. 2. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>5566A/0083A</p>

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Footnotes

- For other information about parking and parking areas, see Chapter 105.
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USE ZONE CHART

Zone

FC II

Section

35.15.e

USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE					
				FRONT	SIDE	REAR							
Detached, attached, or stacked dwelling units		Process IIA Chapter 150	35,000 sq. ft. with a minimum of 3,600 sq. ft. per unit	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 average building elevation.	D	A	1.7 per unit	<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. 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
Development containing stacked dwelling units and office use. See Special Regulation #5		Process IIA Chapter 150	35,000 sq. ft. with a minimum of 3,600 sq. ft. per dwelling unit. See Spc. Reg. #6 for the maximum square footage of office allowed	20'	5', but 2 side yards must equal at least 15'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	D	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. A veterinary office is not permitted in any development containing dwelling units. 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. Dwelling units may not be located on the ground floor of a structure. 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. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	

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