

ORDINANCE NO. 2959

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-86-13).

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated May 27, 1986 and bearing Kirkland Department of Planning and Community Development File No. IV-86-13; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 17, 1986 and May 1, 1986, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination 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 environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission, as well as a timely filed challenge of said recommendation.

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

Section 1. Zoning text amended: Subsection 115.105.2.A of the text of Ordinance 2740 as amended, the Kirkland zoning ordinance, be and they hereby is amended to read as follows:

2. Commercial and Industrial Zones

A. General - Subject to the requirements of paragraphs 2 B through 6 F of this Section, the uses and activities that are allowable on a site in commercial and industrial zones may be conducted out of doors unless Chapters 15 through 65 of this Code limit outside activity for a particular use in a particular zone.

~~Uses and activities normally associated with a residential use are allowed in a residential zone. -- The outdoor storage of firewood in a~~

~~required setback in a residential zone is
subject to Paragraph 3.1.1 of this section.~~

Section 2. Zoning text amended: Subsection 115.105.2.B of the text of Ordinance 2740 as amended, the Kirkland zoning ordinance, be and they hereby is amended to read as follows:

B.2. Site Plan - The applicant shall submit for approval to the Department of Planning and Community Development, a site plan drawn to scale consisting of the following item:

- a. Locations and dimensions of all structures and fences on site; and,
- b. Locations and dimensions of all parking and driving areas on site; and,
- c. Locations and dimensions of all existing and proposed outdoor use, activity of storage areas; and,
- d. Locations and description of all existing landscape buffering on site; and,
- e. The duration of time for which the outdoor use, activity or storage is intended.

Section 3. Zoning text amended: Subsection 115.105.2.C of the text of Ordinance 2740 as amended, the Kirkland zoning ordinance, be and the hereby is amended to read as follows:

C.3. Specific Use and Development Requirements - The City will administratively review and either approve or deny any application for outdoor use, activity and storage based on the following standards:

- a. All outdoor use, activity and storage areas must comply with required buffers for the primary use.
- b. A minimum 6 foot high solid screening fence or other appropriate screening approved by the Department of Planning and community Development is required around the outside edges of the area devoted to the outdoor use, activity or storage. The fence shall be measured above finished grade except when the outdoor storage abuts a sidewalk, in which case the 6 feet must be above the sidewalk.

- c. Outdoor use, activity or storage areas located adjacent to non-residential side and rear setback yards. All outdoor use, activity and storage areas located adjacent to residential zones must meet required setbacks for the primary use.
- d. If the outdoor storage area is surrounded on all sides by property zoned for industrial use, then the height of the outdoor storage shall not exceed the height of the primary structure. In all other cases, the height of items related to outdoor use, activity or storage shall not exceed six feet above finished grade.
- e. The outdoor use, activity or storage area shall not inhibit the safe vehicular and pedestrian movement to, from and on the subject property in accordance with the requirements of the Zoning Code and standards of the Fire Department, Building Department and the Public Works Department.
- f. For the purposes of this Code, an outdoor use, activity or storage area will be used in calculating the gross floor area of a use or development if this area will be used as an outdoor use, activity or storage area for at least two months in every year.
- g. If located on an unimproved area of the site, the underlying ground must be improved as required by the Department of Public Works and Planning and Community Development, and no trees over 6" in caliper may be cut.
- h. ~~Residential uses may store firewood on the subject property. The firewood may be located within setback yards only if it is stacked immediately adjacent to a structure, fence or comparable visual screen, and if the height does not exceed that structure, fence or comparable visual screen.~~

Section 4: 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 5: Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 6: Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland 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 June, 1986.

Signed in authentication thereof this 16th day of June, 1986.

Doris Cooper

MAYOR

ATTEST:

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

APPROVED AS TO FORM:

Ralph E. ...
City Attorney

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