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. IIB-86-101).

Whereas, the City Council has received from the Kirkland Hearing Examiner 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 Hearing Examiner dated April 23, 1987 and bearing Kirkland Department of Planning and Community Development File No. IIB-86-101; and

Whereas, prior to making said recommendation the Hearing Examiner, following notice thereof as required by RCW 35A.63.070, on March 26, 1987, 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 Hearing Examiner, 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: 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 shown on Exhibit A and by this reference 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 unconsitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. 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.

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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 Specia Regulation #7	'3	du.	If adjoining the low den sity 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> <li>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.</li> <li>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.</li> <li>The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area.</li> <li>Any structure's horizontal dimension that is parallel to and within 100 feet of 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.</li> </ol>
Restaurant or Tavern	Process IIA Chapter 150		20'	10' on each side	10'		If adjoining the low den sity zone lying north of NE 90th St., then 25' above	В	F	l per each 100 sq.ft. of gross floor area	<ol> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> <li>The following regulations apply to vehicle service stations only:         <ul> <li>Amount be more than 2 vehicle service stations at any intersection.</li> <li>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 Outdoor Use, Activity and Storage for further regulations.</li> </ul> </li> <li>The following regulation applies to a retail establishment providing vehicle ser-</li> </ol>
Fast Food Restaurant	Process IIA Chapter 150		20'	10' on each side	10'	80%	average building elevation Otherwise, 30'-above average building elevation. None	А	F	1 per each 50 sq.ft. of gross floor area	vice or repair only. a. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A.  8. The following regulations apply to fast food restaurants only: 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.  5566A/83A/p.73
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Hotel or Motel	Process IIA Chapter 150	Must be	201	10' on each side	יטר	80%	If adjoining the low den sity zone lying north of NE 90th St., then 25' above average building elevation. Otherwise, 30'-above	8	F	Section 105.25	1. 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.  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. The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area.  4. Any structure's horizontal dimension that is parallel to and within 100 feet of 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.  5. Refer to Chapter 1 to determine what other provision of this Code may apply to the
A retail establishment selling groceries and related items		Must be part of a development with a site area of at least 35,000 sq. ft.		10° on each side	10'	80%	average building elevation. None If adjointhe low density zone lying north of NE 90th St., then 25' above average building elevation. Otherwise, 30'-above average building elevation. None	В	F	l per each 300 sq.ft. of gross floor area	subject property.  6. The following regulation applies only to hotels and motels:     May include meeting and convention facilities.  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.  5566A/83A/p.74
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Footi	notes										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 105. For details of what may exceed this height limit, see Chapter 115.

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Office Use	Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq.ft.	20,	5', but 2 side yard must equa at least 15'	10'  s  1	/0x	If adjoining the low den sity zone lying north of NE 90th St., then 25' above average building elevation		U	medical, dental, or veterinary office, then 1 per each 200 sq ft. of gross floor area therwise 1 per each 300 sq.ft. of gross	<ol> <li>Vehicular access directly onto N.E. 85th Street is permitted only if access onto side streets is not possible.</li> <li>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.</li> <li>The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area.</li> <li>Any structure's horizontal dimension that is parallel to and within 100 feet of 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.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> <li>The following regulations apply to veterinary office only:         <ul> <li>a. May only treat small animals on the subject property.</li> <li>D. Outside runs and other outside facilities for the animals are not permitted.</li> <li>C. Site must be designed so that noise from this use will not be audible off the subject property.</li> <li>A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</li> </ul> </li> </ol>
Detached Owelling Units	None	7,200 sq ft per unit	201	5', but 2 side yards mus equal at least 15'	10		If adjoin- ing the low den sity zone lying morth of NE 90th St., then 25' above average building elevation Otherwise, 30' above average building elevation	E	A	2.0 per	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.  5566A/83A/p.75
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SEGULATIONS	PECENT PROUNT PR	56	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	REQUIRE	D YAF	RDS /	MAXIMI W S S S S S S S S S S S S S S S S S S S				SPECIAL REGULATIONS 35.15.e
Detached, Attached, or Stacked Dwelling Units	Process IIA Chapter 150	35,000 sq.	50.	5', but 2 side yard must equa at least 15'	10' 5	60%	If adjoining a low density zone, then 25' above average building elevation Otherwise, 30'-above average building-elevation. None	"	A	1.7 per unit	<ol> <li>Access points onto N.E. 85th should be limited with primary access onto side streets where feasible.</li> <li>Provisions for improving the intersection of 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.</li> <li>Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy.</li> <li>The site plan must minimize noise and visual impacts on residential uses in the area.</li> <li>Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>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.</li> <li>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.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to tne subject property.</li> </ol>
	Process IIA Chapter 150		20	5', but 2 side yard must equa at least 15'	\$	70%	If adjoining a low density zone, then 25' above average building elevation	С	D	See Section 105.25	1. Access points onto N.E. 85th 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. The site plan must minimize noise and visual impacts on residential uses in the area. 5. A veterinary office is not permitted in any development containing dwelling units. 6. 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. 7. Dwelling units may not be located on the ground floor of a structure. 8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 9. 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 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. 10. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceeds 15 feet above average building elevation. See the Section in Chapter 15 entitled Distance Between Structures Regarding Maximum Hor
Footi	101es										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 105.  For details of what may exceed this height limit, see Chapter 115.

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Public Utilit	Process IIA Chapter 150	None	20'	10° on each si	de	70%	If adjoin- ing a low density zone, ther 25' above average building	Α	8	See Section 105.25	<ol> <li>May be permitted only if locating this use in the immediate area of the subject property is necessary to permit effective service to the area or the City as a whole.</li> <li>Any building'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.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>
Government Service	Process IIA Chapter 150		20'	10' on each sid	10'	70%	otherwise, 30'-above average building elevation- None	С	В	See Section 105.25	
Public Transit Shelter	None	None	0,	0,	0,	1009	15' above average building elevation		See Spc. Reg. #2	None	<ol> <li>May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems.</li> <li>May install transit route and information signs and markers.</li> </ol>
Public Park	If one acre or more, then Process IIA Chapter 150 Otherwise, none			ll be dete case-by-ca			If adjoining a low density zone, ther 25' above average building elevation.  Otherwise, 30'-above average building above lowerage building alevation.		В	See Section 105.25	<ol> <li>The design of the park must serve the needs of the area in which it is located.</li> <li>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.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>
					<b>Q</b> -		•				For other information about parking and parking areas, see Chapter 105.

Footnotes

For details of the regulations in this category, see Chapter 105.

For information of the regulations in this category, see Chapter 100.

For details of what may exceed this height limit, see Chapter 115.

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