

ORDINANCE NO. 3019

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 unconstitutional 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.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 1st day of June, 1987.

Signed in authentication thereof this 1st day of June, 1987.

Lorix Cooper

MAYOR

ATTEST:

Janece Perry

CITY CLERK

APPROVED AS TO FORM:

Ray [Signature]

City Attorney

6734C/022A/JW:np

USE ZONE CHART

Zone FC II	Section 35.15.a
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Directions: FIRST, read down to find USE... THEN, across for REGULATIONS.

REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS				LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS	
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	A	B					F
			FRONT	SIDE	REAR									
USE ↓	REGULATIONS ↑													
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 the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30' above average building elevation. None	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 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 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 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. 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. 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. <p style="text-align: center;">5566A/83A/p.73</p>	
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 the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30' above average building elevation. None	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%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30' above average building elevation. None	A	F	1 per each 50 sq.ft. of gross floor area				

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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 115.
 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 FC II	Section 35.15.b
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REGULATIONS USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			FRONT	SIDE	REAR						
			Hotel or Motel	Process 11A Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.						
A retail establishment selling groceries and related items	Process 11A 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 the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30'-above average building elevation. None	B	F	1 per each 300 sq.ft. of gross floor area	5566A/83A/p.74

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

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

USE ZONE CHART

Zone FC II	Section 35.15.c
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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							
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	Must be part of a development with a site area of at least 35,000 sq. ft.	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"> A particular use or development may be approved under this listing if-- <ol style="list-style-type: none"> The use or development is principally geared towards serving the freeway traveler; and It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. 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. 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. 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. 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
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 36' above average building elevation <u>None</u>	A E		1 per each 300 sq. ft. of gross floor area	<ol style="list-style-type: none"> 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	

5566A/83A/p.74A

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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 115.
 For details of what may exceed this height limit, 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	MINIMUMS						MAXIMUMS				SPECIAL REGULATIONS
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES		
			FRONT	SIDE	REAR							
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 yards must equal at least 15'	10'	70%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise 30' above average building elevation. None	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	1. Vehicular access directly onto N.E. 85th Street is permitted only if access onto side streets 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 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 6. The following regulations apply to veterinary office only: 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	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	

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 100.
For details of what may exceed this height limit, see Chapter 100.

USE ZONE CHART

Zone FC II	Section 35.15.e
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Directions: FIRST, read down to find USE... THEN, across for REGULATIONS.

REGULATIONS	USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS				LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	D	A				
				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. None	D	A	1.7 per unit	<ol style="list-style-type: none"> 1. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. 2. 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. 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. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 6. 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. 7. 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. 8. 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 566A/83A/p.76	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. None	C	D	See Section 105.25	<ol style="list-style-type: none"> 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 40 feet. 10. 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. 11. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 			

Footnote

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

USE ZONE CHART

Zone FC II	Section 35.15.f
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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						
Public Utility	Process IIA Chapter 150	None	20'	10' on each side	10'	70%	If adjoining a low density zone, then 25' above average building elevation.	A	B	See Section 105.25	<ol style="list-style-type: none"> 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. 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
Government Service	Process IIA Chapter 150	None	20'	10' on each side	10'	70%	15' above average building elevation. ----- Otherwise, 30' above average building elevation. None	C	B	See Section 105.25	
Public Transit Shelter	None	None	0'	0'	0'	100%	15' above average building elevation	--	See Spc. Reg. #2	None	<ol style="list-style-type: none"> May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. May install transit route and information signs and markers.
Public Park	If one acre or more, then Process IIA Chapter 150 ----- Otherwise, none	None	Will be determined on a case-by-case basis				If adjoining a low density zone, then 25' above average building elevation. ----- Otherwise, 30' above average building elevation. None	--	B	See Section 105.25	<ol style="list-style-type: none"> The design of the park must serve the needs of the area in which it is located. 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>5566A/83A/p.77</p>

Footnote

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