

ORDINANCE NO. 3022

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-87-32).

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 19, 1987 and bearing Kirkland Department of Planning and Community Development File No. IV-87-32; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 7, 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 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 shown in Exhibit A and incorporated by reference 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. 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 within the Houghton Community Municipal Corporation 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 4. 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 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council 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.

Dorix Cooper  
MAYOR

ATTEST:

Janece Perry  
City Clerk

APPROVED AS TO FORM:

Rayhith  
City Attorney

CHAPTER 17 - SINGLE FAMILY RESIDENTIAL ANNEXATION (RS-X) ZONES

17.05 User Guide. The charts in Section 10 of this Chapter contain the basic zoning regulations that apply in each RSX 35., RSX 8.5, and RSX 7.2 zone of the City. Use these charts by reading down the extreme left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

The sample chart on this page describes the regulations that are contained in each column.

Directions: FIRST, read down to find USE... THEN, across for REGULATIONS...											USE ZONE CHART		Zone	Section
USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS REQUIRED YARDS					MAXIMUMS					SPECIAL REGULATIONS	
			LOT SIZE	FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES		
<p>This column contains all of the uses that may locate in this zone. If a use is not listed, it is not allowed in this zone. Each use listed is subject to all of the regulations listed in the columns to the right of that use.</p>	<p>This column lists the review processes that the City will use to evaluate and approve or disapprove each listed use. If no process is listed, no formal review process is required under this Code. In any event, a permit may be required under the Shoreline Management Act and a building or other permit may be required from the Building Official</p>	<p>This column lists the minimum required lot size for each listed use. Where applicable, the minimum lot size for each unit or for an entire complex is also listed. Note that only land landward of the high waterline may be used to compute lot size or diversity.</p>	<p>This column lists the minimum yards required for each use. Chapter 115 of this Code establishes what structures, improvements, and activities may or may not take place in these required yards.</p>	<p>See Spc. Reg. #1</p>	<p>This column lists the maximum height of structures allowed for each use. In most cases, the regulation is expressed as a number of feet above average building elevation. In some cases, a maximum number of stories is also listed. Height limits are also listed for over water structures.</p>	<p>See Spc. Reg. #2</p>	<p>See Spc. Reg. #3</p>	<p>This column establishes the parking requirement for each listed use. In some uses a specific number of stalls is not listed and a reference is given to a section in the parking chapter that states the City will determine the parking requirement on a case by case basis.</p>	<p>This column contains any special regulations, standards or decisional criteria that may apply to each listed use. Some of these requirements are absolute, while others contain decisional criteria or more general standards. Where decisional criteria are listed, the City will use these criteria to determine if a proposed use is appropriate and as a basis for imposing limitations and conditions on the proposed use and development.</p>	<p>1. This column lists the maximum amount of dry land lot coverage allowed for each use. Maximum lot coverage is a defined term. Consult Chapter 5 of this Code.</p> <p>2. This column lists the Landscaping Category for each use. The footnote references the chapter that specifies the buffers that must be provided, depending on the uses or zones that adjoin the subject property.</p> <p>3. This column lists the sign category for each use. The footnote references the chapter that provides full information on allowable signs for each use.</p>	6121A			
<p><b>Footnotes</b></p> <p>For other information about parking and parking areas, see Chapter 105.                  For details of the regulations in this category, see Chapter 100.                  For details of what may exceed this height limit, see Chapter 95.                  For details regarding required yards, see Chapter 115.                  This development may also be regulated under the City's Shoreline Master Program; consult that document.                  May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.</p>											Page			

Exhibit A

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

USE ZONING CHART

Zone  
**RSX**  
Section  
**17.10.a**

USE

REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES
		REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	REAR			
		FRONT	SIDE	REAR						
Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation #1	20'	5' each side	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling unit.
Non-Commercial Recreation Area or Club House	Process IIA Chapter 150	As established on the Zoning Map. See Special Regulation #1.	20'	5' but 2 side yards must equal at least 15 feet	10'	50%	25' above average building elevation	C	B	See Section 105.25

SPECIAL REGULATIONS

- Minimum lot size per dwelling unit is as follows:
    - In RSX 35 Zones, the minimum lot size is 35,000 square feet.
    - In RSX 8.5 Zones, the minimum lot size is 8,500 square feet.
    - In RSX 7.2 Zones, the minimum lot size is 7,200 square feet.
 In RSX 35, 8.5, and 7.2 Zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.
  - Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
  - Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
- 
- Minimum lot size per dwelling unit is as follows:
    - In RSX 35 Zones, the minimum lot size is 35,000 square feet.
    - In RSX 8.5 Zones, the minimum lot size is 8,500 square feet.
    - In RSX 7.2 Zones, the minimum lot size is 7,200 square feet.
  - May be permitted only if it will not adversely impact any residential area that it does not serve.
  - Must provide pedestrian access from locations served by the area or clubhouse.
  - Location and site design must minimize the need for parking.
  - Hours of operation may be limited to reduce adverse impact on a residential neighborhood.
  - 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.
  - Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

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6278C/303A(5390A/83A)4-3-87/DM:rk

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.

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

**USE** **PART**

**Zone**  
**RSX**

**Section**  
**17.10.b**

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						
Church	See Special Regulations 1.	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	<ol style="list-style-type: none"> <li>The required review process is as follows:                             <ol style="list-style-type: none"> <li>If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150.</li> <li>If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152, is required.</li> </ol> </li> <li>Minimum lot size per dwelling unit is as follows:                             <ol style="list-style-type: none"> <li>In RSX 35 Zones, the minimum lot size is 35,000 square feet.</li> <li>In RSX 8.5 Zones, the minimum lot size is 8,500 square feet.</li> <li>In RSX 7.2 Zones, the minimum lot size is 7,200 square feet.</li> </ol> </li> <li>Traffic cannot significantly impact any residential neighborhood.</li> <li>Noise cannot exceed that normally associated with a residential neighborhood.</li> <li>Scale and placement of all structures must be in harmony with the residential setting.</li> <li>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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulations</u> 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>
School or Day Care Center	See Special Regulations 1 and 11.	As established on the Zoning Map. See Special Regulation #1.	If this use can accommodate 50 or more students or children, then-- 50' 50' on each side 50'			70%	25' above average building elevation	D	B	Section 105.25	<ol style="list-style-type: none"> <li>The required review process is as follows:                             <ol style="list-style-type: none"> <li>If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150.</li> <li>If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152, is required.</li> </ol> </li> <li>Minimum lot size per dwelling unit is as follows:                             <ol style="list-style-type: none"> <li>In RSX 35 Zones, the minimum lot size is 35,000 square feet.</li> <li>In RSX 8.5 Zones, the minimum lot size is 8,500 square feet.</li> <li>In RSX 7.2 Zones, the minimum lot size is 7,200 square feet.</li> </ol> </li> <li>May locate on the subject property only if--                             <ol style="list-style-type: none"> <li>It will serve the immediate neighborhood in which it is located; or</li> <li>It will not be detrimental to the character of the neighborhood in which it is located.</li> </ol> </li> <li>A 6' high fence along the side and rear property lines is required.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>20' if this use can accommodate 50 or more students or children.</li> <li>10' if this use can accommodate 13 to 49 students or children.</li> <li>Otherwise, 5'.</li> </ol> </li> <li>An on-site passenger loading area must be provided if this use can accommodate more than 50 students or children.</li> <li>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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulations</u> for further details.</li> </ol>
			If this use can accommodate 13 to 49 students or children, then-- 20' 20' on each side 20'								
			Otherwise-- 20' 5', but 2 side yards must equal at least 15 feet. 10'								

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

**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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HART

Zone

RSX

Section

17.10.d

SPECIAL REGULATIONS

REGULATIONS FOR THIS USE CONTINUED FROM PREVIOUS PAGE

- 9. May include accessory living facilities for staff persons.
- 10. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
- 11. 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 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.

Page

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

USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS					SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	
			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	1. Minimum lot size per dwelling unit is as follows: a. In RSX 35 Zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 Zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 Zones, the minimum lot size is 7,200 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.  6278C/303A(5390A/83A)4-9-87/DM: dc

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.



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

ART

Zone

RSX

Section

17.10.e

USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS				REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		
				FRONT	SIDE	REAR						
Golf Course		Process IIA Chapter 150	1 acre	50'	50' on each side	50'	50%	25' above average building elevation.	E	B	See Section 105.25	<ol style="list-style-type: none"> <li>1. Site design must minimize adverse impacts on surrounding residential neighborhoods.</li> <li>2. May not include miniature golf.</li> <li>3. The following accessory uses are specifically permitted as part of this use.                             <ol style="list-style-type: none"> <li>a. Equipment storage facilities.</li> <li>b. Retail sales and rental of golf equipment and accessories.</li> <li>c. A restaurant.</li> </ol> </li> <li>4. 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulations</u> for further details.</li> <li>5. Traffic cannot significantly impact any residential neighborhood.</li> <li>6. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>
Public Utility		Process IIA Chapter 150	None	20'	20' on each side	20'	70%	25' above average building elevation.	A	B	See Section 105.25	<ol style="list-style-type: none"> <li>1. 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>2. Any building'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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulations</u> for further details.</li> </ol>
Government Facility		Process IIA Chapter 150	None	20'	10' on each side	10'	70%	25' above average building elevation.	D	B	See Section 105.25	<ol style="list-style-type: none"> <li>3. Traffic cannot significantly impact any residential neighborhood.</li> <li>4. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>
Public Transit Shelter		None	None	None	None	None	100%	15' above average building elevation.	--	See Spc. Regs #2	None	<ol style="list-style-type: none"> <li>1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems.</li> <li>2. 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	None	Will be determined on a case-by case basis				25' above average building elevation.	--	B	See Section 105.25	<ol style="list-style-type: none"> <li>1. The design of the park must serve the needs of the area in which it is located.</li> <li>2. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> <li>3. 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulations</u> for further details.</li> </ol>

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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.



CHAPTER 47 - COMMUNITY BUSINESS ANNEXATION (BC-X) ZONES

47.05 User Guide. The charts in Section 10 of this Chapter contain the basic zoning regulations that apply in each of the BC-X zones of the City. Use these charts by reading down the extreme left hand column entitled "Use". Once you locate the use in which you are interested, read across to find the regulations that apply to that use. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

The sample chart on this page describes the regulations that are contained in each column.

USE ZONE CHART												
REGULATIONS	USE	REQUIRED REVIEW PROCESS	MINIMUMS REQUIRED YARDS					MAXIMUMS			REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			LOT SIZE	FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY		
	<p>This column contains all of the uses that may locate in this zone. If a use is not listed, it is not allowed in this zone. Each use listed is subject to all of the regulations listed in the columns to the right of that use.</p>	<p>This column lists the review processes that the City will use to evaluate and approve or disapprove each listed use. If no process is listed, no formal review process is required under this Code. In any event, a permit may be required under the Shoreline Management Act and a building or other permit may be required from the Building Official.</p>	<p>This column lists the minimum required lot size for each listed use. Where applicable, the minimum lot size for each unit or for an entire complex is also listed. Note that only land landward of the high waterline may be used to compute lot size or diversity.</p>	<p>This column lists the minimum yards required for each use. Chapter 115 of this Code establishes what structures, improvements, and activities may or may not take place in these required yards.</p>	<p>See Spec. Reg. #1</p>	<p>This column lists the maximum height of structures allowed for each use. In most cases, the regulation is expressed as a number of feet above average building elevation. In some cases, a maximum number of stories is also listed. Height limits are also listed for over water structures.</p>	<p>See Spec. Reg. #2</p>	<p>See Spec. Reg. #3</p>	<p>This column establishes the parking requirements for each listed use. In some cases, a specific number of stalls is not listed and a reference is given to a section in the parking chapter that states the City will determine the parking requirement on a case by case basis.</p>	<p>This column contains any special regulations, standards or decisional criteria that may apply to each listed use. Some of these requirements are absolute, while others contain decisional criteria or more general standards. Where decisional criteria are listed, the City will use these criteria to determine if a proposed use is appropriate and as a basis for imposing limitations and conditions on the proposed use and development.</p>	<p>1. This column lists the maximum amount of dry land lot coverage allowed for each use. Maximum lot coverage is a defined term. Consult Chapter 5 of this Code.</p> <p>2. This column lists the Landscaping Category for each use. The footnote references the chapter that specifies the buffers that must be provided, depending on the uses or zones that adjoin the subject property.</p> <p>3. This column lists the sign category for each use. The footnote references the chapter that provides full information on allowable signs for each use.</p>	
Footnotes											6121A	Page
<p>For other information about parking and parking areas, see Chapter 105.          For details of the regulations in this category, see Chapter 100.          For details 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.          This development may also be regulated under the City's Shoreline Master Program; consult that document.          May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.</p>												

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

### USE ZONE CHART

Zone <b>BCX</b>	Section <b>47.10.a</b>
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REGULATIONS USE	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
		REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	STRUCTURE				
		FRONT	SIDE	REAR							
ny retail establishment, other than those specifically listed in this zone, selling goods or providing services including banking and related financial services (see special Regulation #1)	None	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. ----- Otherwise, none	B	E	1 per each 300 sq.ft. of gross floor area	<ol style="list-style-type: none"> <li>This use specifically excludes vehicle or boat sales or vehicle or boat service or repair.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>
multiuse complex or mixed use building containing 7 or more retail establishments, restaurants, taverns, or fast food restaurants	Process IIA Chapter 150	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. ----- Otherwise, none	B	E	See Section 105.25	<ol style="list-style-type: none"> <li>The applicant may develop the subject property under this use listing or under individual use listings in this zone.</li> <li>Access and traffic circulation must be designed to minimize adverse impacts on residential areas and to minimize arterial congestion.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>
Office Use	None	None	20'	0'	0'	70%	If adjoining a low density zone, then 25' above average building elevation. ----- Otherwise, 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 floor area	<ol style="list-style-type: none"> <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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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:               <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ol> </li> </ol>

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.

FIRST, read down to THIS USE... THEN, across for REGULATIONS.

Zone	Section
BCX	47.10.b

USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS					SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	
				FRONT	SIDE	REAR						
Vehicle Service Station		Process IIA Chapter 150	22,500 sq. ft.	40'	15' on each side	15'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	A	E	See Section 105.25	<ol style="list-style-type: none"> <li>May not 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 <u>Outdoor Use, Activity and Storage</u> for further regulations.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>
Restaurant or Tavern		None	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	B	E	1 per each 100 sq.ft. of gross floor area	<ol style="list-style-type: none"> <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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>
Fast Food Restaurant		None	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	A	E	1 per each 50 sq.ft. of gross floor area	<ol style="list-style-type: none"> <li>Must provide one outdoor waste receptacle for every 8 parking stalls.</li> <li>Access for drive through facilities must be approved by the Public Services Department.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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> <p>6249C/308A:DM:dc</p>

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 **BCX**  
Section **47.10.c**

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	STRUCTURE				
			FRONT	SIDE	REAR							
Private Lodge or Club	None	None	20'	0'	0'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	B	B	1 per each 300 sq.ft. of gross floor area	<ol style="list-style-type: none"> <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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>	
Stacked Dwelling Unit. See Special Regulation #1	None	None	Same as these Regulations for the ground floor use. See Special Regulation #1					A		1.7 per unit	<ol style="list-style-type: none"> <li>This use may not be located on the ground floor of a structure.</li> <li>Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>	
Church	None	None	20'	0'	0'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	C	B	See Section 105.25	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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> <p>6249C/308A:DM:dc</p>	

**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...

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

**USE ZONE CHART**

Zone **BCX** Section **47.10.d**

USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE					
			FRONT	SIDE	REAR							
Public Utility	None	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	A	B	See Section 105.25	<ol style="list-style-type: none"> <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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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 Facility	None	None	20'	0'	0'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, none	C	B	See Section 105.25		
Public Transit Shelter	None	None	0	0	0	100%	15' above average building elevation.	--	See Sp. Reg. #2	None	<ol style="list-style-type: none"> <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 Parks	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, none	--	B	See Section 105.25	<ol style="list-style-type: none"> <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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> 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>	

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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.

CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE  
STANDARDS

115.05	User Guide
115.10	Accessory Uses, Facilities and Activities
115.15	Air Quality Regulations
115.20	Animals in Residential Zones
115.25	Development Activities and Heavy Equipment Operation - Limitations On
115.30	Distance Between Structures, Regarding Maximum Horizontal Facade Regulation (Adjacency to Institutional Use)
115.35	Erosion and Sedimentation Regulation
115.40	Fences
115.45	Garbage Receptacles and Dumpsters, Placement and Screening
115.50	Glare Regulation
115.55	Heat Regulation
115.60	Height Regulations, Exceptions To
115.65	Home Occupations and Other Accessory Components of Residential Uses
115.70	Junk and Junk Yards Prohibited
115.75	Land Surface Modification
115.80	Legal Building Site
115.85	Lighting Regulations
115.90	Maximum Lot Coverage, Alternatives To
115.95	Noise Regulations
115.100	Odor
115.105	Outdoor Use, Activity and Storage
115.110	Radiation
115.115	Required Yards
115.120	Rooftop Appurtenances, Required Screening
115.125	Rounding of Fractions of Dwelling Units
115.130	<del>Sanitary-Sewer-Connection-Required</del>
115.135	Sight Distance at Intersection
115.140	Swimming Pools, Fences Required
115.145	Trees, Certain Species Prohibited
115.150	Vehicles - Size in Residential Zones Limited
115.155	Water Quality Regulations

115.05 User Guide

This Chapter contains a variety of regulations and standards that apply to the development and use of land. The regulations in this Chapter do not all pertain to the same general subject matter. The regulations are arranged alphabetically so that careful review of the table of contents is important to finding all pertinent regulations.

115.130 Sanitary-Sewer-Connector-Required

1. General --- Except as specified in paragraph 2 of this Section, it is a violation of this Code to use or occupy any structure having water service unless that structure is connected to a City approved sanitary sewer system.
2. Exception --- In lieu of connecting to a City approved sanitary sewer system as required in paragraph 1 of this Section, the structure may be connected to a septic tank system if the following conditions are met:
  - a. either --
    - 1) The subject property contains at least 35,000 square feet; or
    - 2) The lot lines defining the subject property were recorded in the King County Assessor's Office prior to May 14, 1972.
  - b. The subject property contains one detached dwelling unit only.
  - c. No element of a City approved sanitary sewer system that could serve the subject property through gravity is within 200 feet of any boundary of the subject property.
  - d. The Public Service Director determines that, based on a certified percolation test, the subject property is suitable for a septic tank system.
3. Agreement to Connect When Available --- If the subject property is exempt from connecting to a City approved sanitary sewer system under paragraph 2 of this Section, the owner of the subject property must sign an agreement to run with the property, in a form acceptable to the City Attorney, agreeing to connect to a City approved system when one is available to serve the subject property through gravity within 200 feet of any boundary of the subject property. -- This agreement must be recorded with the King County Bureau of Elections and Records.

115.135 Sight Distance at Intersection

1. General - This Section establishes that areas around all intersections, including the entrance of driveways onto streets, must be kept clear of

- a. The gross floor area of the use is expanded by less than 10%; and
- b. The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

4. Non-Conforming Parking

If there are fewer parking spaces for the uses conducted on the subject property than are required under this Code, these additional required number of spaces must be provided if the applicant is going to change the use conducted on the subject property and the new use requires more parking spaces than the former use.

5. Non-Conforming Signs

- a. All non-conforming signs are defined as either major non-conforming signs or minor non-conforming signs.

- 1) Major non-conforming signs include the following:

- a) Any pole sign associated with a pole which is not entitled to sign category F.
- b) Any pole sign or monument sign which exceeds 20 feet in height above average ground elevation.
- c) Any sign attached to the building and which extends above the building roofline.
- d) Any projecting sign except those allowed by Section 100.115.
- e) Any sign listed as a prohibited device by Section 100.85.
- f) Any sign which has exposed structural supporting elements such as angle irons, guy wires and braces.



- g) Any sign located off-site which does not meet the provisions of Section 100.75.
  - 2) Minor non-conforming signs are those, other than listed above in Paragraph 1, which violate any provision of the Zoning Code.
- b. Non-conforming signs must be brought into conformance as specified below:

- 1) Notwithstanding the provisions of Section 162.30, any major non-conforming sign must be brought into conformance if:
  - a) Structural alteration is made to the sign; or
  - b) The color, design, lettering or shape of the sign is altered. Change in temporary message on a readerboard is excluded from this requirement; or
  - c) Structural alteration or an increase in the gross floor area is made to any structure that houses or supports the use that has the major non-conforming sign.

2. In addition to the provisions of Subparagraph 162.35.5.b.(1), any major non-conforming sign by Subparagraph 35.5.a.(1)(g) shall be brought into conformance or removed within eighteen (18) months after the effective date of this subparagraph; or within eighteen (18) months after the effective date of annexation of the location at which the sign is erected; whichever is later. Nothing in this subparagraph shall relieve the property owner and owner of the sign of the duty to immediately remove such sign if it were not erected in compliance with Federal, State and local law; or if it does not meet the requirements to be a non-conforming sign.

Non-conforming signs may remain in a non-conforming state for a greater period of time than the amortization period provided above if such extension is applied for no later than six (6) months prior to the otherwise applicable deadline. The Hearing Examiner, through Process IIA, Chapter 150, may grant discretionary extensions of the amortization period a maximum of two times for up to three (3) years at a time. In addition to the criteria listed in 150:65.2, the Hearing Examiner shall consider the following criteria in making this decision:

1. Any hazard to traffic or pedestrian safety.
2. The detriment to the appearance of a neighborhood, or the impinging upon a view of scenic interest.
3. The demonstration of need for an even greater depreciation period, such as because the date of erection of the billboard was less than four (4) years but not more than six (6) months before the annexation. However, it is not the intent of this provision that the nonconformance necessarily be allowed to remain for the length of amortization period satisfactory to the applicant.

Non-conforming signs must be brought into conformance or removed immediately if there is a change in land use or change in business name on the sign structure or ownership of the sign. Nothing in this section shall relieve the owner or user of a non-conforming sign or owner of the property on which the non-conforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs.

2)3. Notwithstanding the provisions of

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Section 162.30, any minor non-conforming sign must be brought into complete conformance when either:

- a) The fair market value of any nonstructural alteration (such as color, design) of the sign exceeds 35% of the replacement value of that sign (change in temporary message on a readerboard is excluded from this requirement); or
- b) Structural alternation is made to the sign. In such event, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor non-conforming elements involved and state that

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they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time, the prescribed minor non-conforming element(s) is not brought into conformance; or

- c) Structural alteration or an increase is made to the gross floor area of any structure that houses or supports the use that has the minor non-conforming sign.
- c. Any sign which can be classified as both a major non-conforming sign and a minor non-conforming sign shall be regulated as a major non-conforming sign.
- d. Exception for Repair and Maintenance -

Repair and maintenance work to any non-conforming sign is excepted from the provisions of this chapter, subject only to the following:

- 1) The repair or maintenance work will not increase the degree or magnitude of non-conformance.
- 2) If the repair or maintenance work requires a Building or Sign Permit, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor non-conforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time the prescribed minor non-conforming element(s) is not brought into conformance.

- 3) For purposes of this section, repair shall mean the work that is necessary to restore a sign to its former appearance subsequent to a sudden, accidental event.

6. Non-Conforming Landscaping, Buffers, and Paving

- a. The City will not issue a Certificate of Zoning Compliance for any site that has non-conforming landscaping until the landscaping is brought into conformance as much as is feasible based on the available land on the subject property. Appeals to this determination will be processed according to Section 145.55 through 145.100 of this Code.
- b. If the applicant is going to increase the gross floor area of any use on the subject property, buffers adjoining the new gross floor area must be brought into conformance.
- c. If the use on the subject property is changed and the new use requires larger buffers than the former use, any non-conforming buffers on the subject property must be brought into conformance.
- d. The City will not issue a Certificate of Zoning Compliance for any site that has non-conforming paving until the paving is brought into conformance.
- e. If the use on the subject property is changed and the new use requires more parking than the former use, all paving must be brought into conformance.

7. Non-Conforming Height; Setbacks and View Corridors

Any structural alteration of a roof or exterior wall which does not comply with height, setback or view corridor standards will require that the nonconforming height, setback or view corridor be brought into conformance. Excepted from this section are the repair or maintenance of structural members.

8. Any Other Non-Conformance

If any non-conformance exists on the subject property, other than as specifically listed in Paragraphs 2 through 7 of this Section, these must be brought into conformance if--

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SUMMARY OF ORDINANCE No. 3022

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE NO. 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-87-32).

Section 1: Amends the following Sections of Ordinance No. 2740 as amended:

a. Chapter 17, Ordinance 2740 as amended, is amended by the addition of a new section 17.10, which establishes a new Use Zone Chart (17.10.a-e) for Zone RSX; sets a thirty foot height limitation and a ten foot side-yard set back for single family residences, within Use Zone RSX; and requires (subsection 17.10.b) a master plan review under process IIb for church and/or school developments proposed for sites in excess of five acres, within Zone RSX.

b. Chapter 47, Ordinance 2740 as amended, is amended by the addition of a new section 47.10 (Use Zone Charts a-d inclusive) for Use Zone BCX. The BCX Use Zone is identical with the BC Use Zone, except vehicle or boat sales and service centers are not a permitted use within the BCX Zone.

c. Deletes from chapter 115, of Ordinance 2740 as amended, Section 115.130 relating to sewer connections.

d. Amends Section 162.35.5, Ordinance 2740 as amended, relating to off-premises signs and establishes an abatement period and process for such signs.

Section 2. Provides that if any section, subsection, or portion of the Ordinance (including those adopted by reference) is found to be invalid, such declaration shall not invalidate the remaining provisions of the Ordinance.

Section 3. Acknowledges the disapproval jurisdiction of the Houghton Community Council, with respect to the effectiveness of the Ordinance within the Houghton Community Municipal Corporation, only upon approval of the Houghton Community Council, or failure of the Houghton Community Council to disapprove within sixty days of the date of passage of the Ordinance.

Section 4. Authorizes publication of this Summary, approves the Summary to be published, and establishes the effective date of the Ordinance as five days after passage and publication of the Summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the Kirkland City Clerk. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 1st day of June, 1987.

I certify that the foregoing is the summary of Ordinance No. 3022 approved by the Kirkland City Council for summary publication.

  
City Clerk