

ORDINANCE NO. 3031

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-87-16).

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 21, 1987 and bearing Kirkland Department of Planning and Community Development File No. IV-87-16; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 2, 1987 and May 21, 1987, held public hearings on the amendment proposals and considered the comments received at said hearings; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final 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 the recommendation of the Planning Commission.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is 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. The subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Community 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.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of August, 1987.

Signed in authentication thereof this 3rd day of August 1987.

ATTEST:

Doris Cooper
MAYOR

Janice Perry
City Clerk

APPROVED AS TO FORM:

Taylor E.
City Attorney

7012C/288A/TS:np:cw

5.05 User Guide

The definitions in this Chapter apply for this Code.

5.10 Definitions

The following definitions apply throughout this Code unless, from the context, another meaning is clearly intended:

5. Abandoned - Knowing relinquishment of right or claim to the subject property or structure on that property.
10. Access-Drive --- A privately-owned driving surface which collectively serves 2, 3, or 4 parcels that produce 100 or fewer daily trip ends.
15. Accessory - A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.
20. Adjoining - Property that touches or is directly across a street, other than a primary arterial, from the subject property. For the purpose of height regulations, any portion of a structure which is more than 100 feet from a low density zone or which is not located along a common lot line with a lot in a low density zone is not considered to be adjoining that zone (see plate 18).
22. Adult Entertainment Activity or Use - All of the following:
 1. Adult theatre means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) for observation by patrons therein and which excludes minors by virtue of age.

220. Differential Settlement - The uneven downward movement of a structure into the soil layers or the uneven compaction of the soil layers.
225. Domestic Animal - An animal which can be and is continually kept or raised in a home or on a farm.
230. Dredging - Removal of earth and other materials from the bottom of a body of water or from a wetland.
235. Dredging Spoils - The earth and other materials removed from the floor of a body of water or a wetland by the dredging process.
240. Driveway - An area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.
245. Dry Land - The area of the subject property landward of the high waterline.
250. Dwelling Unit - One or more rooms or structures providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.
255. Dwelling Unit; Attached - A dwelling unit that has one or more vertical walls in common with or attached to one or more other dwelling units or other uses and does not have other dwelling units or uses above or below it.
260. Dwelling Unit; Detached - A dwelling unit that is not attached or physically connected to any other dwelling unit or other use.
265. Dwelling Units; Stacked - A dwelling unit that has one or more horizontal walls in common with or adjacent to one or more other dwelling units or other uses and may have one or more vertical walls in common with or adjacent to one or more other dwelling units or other uses.
270. Easement - Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.
275. Electrical Sign - A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

- 335. Government Facility - A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
- 340. Gross Floor Area - The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 of this Code.
- 345. Ground Floor - The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.
- 350. Ground Mounted Sign - All of the following: pole signs, pedestal signs and monument signs.
- 355. Heat - Added energy that causes substances to rise in temperature, fuse, evaporate, expand or undergo any other related change.
- 360. High Density Residential Zones - The following zones - RM 2.4; RM 1.8; PLA 5 B, C, D; PLA 6 A, B, D, I, K; PLA 7 B, C; and PLA 9.
- 365. High Waterline - The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-16-030(10).
- 370. Home Occupation - An occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit; and which is not an otherwise permitted use in the Zone in which it is pursued.
- 375. Horizontal Dimension - The length of the facade of a structure as measured along a plane, excluding eaves that extend out to a maximum of 18 inches from the exterior walls of a structure.
- 380. Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, extended care facilities or training facilities.

460. Land Use Policies Plan - Ordinance 2346 as amended or, if repealed, its successor document, listing the goals and policies regarding land use within the City.
465. Landscaping - The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.
470. Landward - Toward dry land.
475. Linear Frontage of Subject Property - The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 zones. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property, and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.
480. Lot - ~~A piece of land having a specific account number on the King County Assessor's Map. (Including the terms tract or parcel) A fractional part of subdivided land, or a parcel of unsubdivided land having common ownership that has fixed boundaries and is not divided by an existing public right-of-way.~~
485. Low Density Use - A detached dwelling unit on a subject property that contains at least 7,200 square feet.
490. Low Density Zone - The following zones: RS 35, RS 12.5, RS 8.5, RS 7.2, PLA 2, PLA 6C, PLA 16 and WD-11.
491. Low Income Household - A household whose total gross income is less than or equal to 80% of the median household income in the Seattle Metropolitan Statistical Area. For low income senior citizen households, total assets shall not exceed the maximum established by the City Council.
492. Low Income Unit - A unit which contains a low income household. In addition, the rent for this type of unit shall not exceed 30% of the gross income of the eligible low income household.
495. Major Stream - All of the following: Forbes Creek, Juanita Creek, Cochran Creek, and Yarrow Creek.

700. Private Notice Sign - A sign announcing a restriction on a type of action on the subject property, such as but not limited to; "no trespassing" or "no dumping".
705. Private Roadway --- A road surface meeting certain city standards, privately owned either singly or cooperatively by the parcels served by the roadway and serving five (5) or more parcels or a lesser number of parcels which collectively produce more than 100 daily trip ends.
710. Private Traffic Direction Sign - A sign on private property which provides information for vehicular movement while on the property.
715. Projecting Sign - A sign, other than a wall mounted or marquee sign, which is attached to and projects from a structure or building face.
720. Property Line - Those lines on the King County Assessor's Map enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:
1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 20 feet in width, except that neither Burlington Northern right-of-way nor the I-405 right-of-way shall be considered front property lines.
 2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract easement 20 feet or less in width.
 3. Side property line is any property line other than a front property line or a rear property line.
 4. North property line is the property line running essentially east to west at the northern end of the lot.
 5. South property line is the property line running essentially east to west at the southern end of the lot.
 6. High Waterline - this term is defined separately in this Chapter.

725. Public Access - A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.
727. Public Access Pier or Boardwalk - An elevated structure which is constructed waterward of the high waterline and intended for public use.
730. Public Park - A natural or landscaped area, provided by a unit of government, to meet the active or passive recreational needs of people.
735. Public Services Works Director - The Director of the Department of Public Services Works.
740. Public Use Area - A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.
745. Public Utility - A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, gas and transportation for persons and freight.
750. R.S. Driveway - A driving surface which serves one dwelling unit.
755. Radio Tower - A structure whose purpose or accessory purpose is the transmission of radio waves and the supporting structure for the transmission antenna or device.
760. Real Estate, Off Site Sign - A sign that is readily removable announcing the proposed sale or rental of property or a building other than that upon which the sign is located and providing directions to the subject property.

800. Retention of Storm Water - The collection of water, due to precipitation, in a given area and the dispersement of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.
805. Right-of-Way - Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publically owned devices.
810. Right-of-Way Realignment - The changing of the horizontal position of the right-of-way.
815. Roofline - The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.
820. Runoff - The overland or subsurface flow of water.
825. Schools - Institutions of learning, excluding those offering post secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.
830. SEPA - The State Environmental Policy Act - R.C.W. 41:23C.
832. Senior Citizen Household - A household which consists of people, all of whom are age 62 or older.
835. Shared Access Points - A common point of vehicle access from a right-of-way or vehicle-access-way vehicular access easement or tract for more than one parcel lot or use.

886. Storm Drainage - The movement of water, due to precipitation, either surficially or subsurficially.
890. Story - The area between and including, the surface of a floor, the ceiling above and the horizontal supporting members for the ceiling. If the floor surface is on average not more than 6 feet above the finished grade, the area between the floor surface and the ceiling above is not a story.
895. Stream - A course or route, formed by nature or modified by man and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters naturally and normally flow in draining from higher to lower lands.
900. Street - A public right-of-way, or a private roadway.
905. Street Providing Direct Vehicle Access - The street from which a vehicle can enter the subject property without traversing another street or piece of property. In the case of a multiuse complex, the street providing direct vehicular access is the exterior street that borders the complex and not an internal street surrounded by the complex.
910. Structure - Anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner.
915. Structural Alterations - Any change in the supporting member of a building or structure.
920. Subject Property - The entire lot, series of lots or parcels on which a development or use is or will locate and that is otherwise subject to the provision of this Code.
923. Temporary Commercial Sign - A sign associated with a business; painted on a window or constructed of cloth, paper or similar flexible materials; readily removable; and displaying a temporary commercial message; but not including a real estate, on-site or real estate, off-site sign.
925. Topsoil - The uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.

930. Traffic Control Devices - Signs, signals, structures and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.
935. Under Marquee Sign - A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.
940. Uniform Building Code - The Uniform Building and related Codes as amended and adopted in Title 21 of the Kirkland Municipal Code.
945. Uniform Sign Code - The Uniform Sign Code as amended and adopted in Chapter 21.16 of the Kirkland Municipal Code.
955. Use - The nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in the Chapters 15 through 65 of this Code is a separate use.
960. Use Zone - The zoning designations on the zoning map as follows:

| | | | |
|---------|--------|---------|----------|
| RS 35 | FCI | PLA 4 | PLA 6 I |
| RS 12.5 | FC II | PLA 5 A | PLA 6 J |
| RS 8.5 | FC III | PLA 5 B | PLA 6 K |
| RS 7.2 | PO | PLA 5 C | PLA 7 A |
| RS 5.0 | BN | PLA 5 D | PLA 7 B |
| RM 3.6 | BC | PLA 5 E | PLA 7 C |
| RM 2.4 | CBD-A | PLA 6 A | PLA 8 |
| RM 1.8 | CBD-B | PLA 6 B | PLA 9 |
| WD I | CBD-C | PLA 6 C | PLA 10 |
| WD II | CBD-D | PLA 6 D | PLA 11 |
| WD III | | | PLA 12 |
| PR 5.0 | LI | PLA 6 E | PLA 13 A |
| PR 3.6 | PLA 1 | PLA 6 F | PLA 13 B |
| PR 2.4 | PLA 2 | PLA 6 G | PLA 15 A |
| PR 1.8 | | | PLA 15 B |
| PO | PLA 3 | PLA 6 H | PLA 16 |

965. Vehicle Service Station - A commercial use supplying petroleum products that are for immediate use in a vehicle.
970. Vehicle Storage Area - An outside area which is used for the storage of operational vehicles.
973. Vehicular Access Easement or Tract - A privately owned right-of-way.
975. Wall Sign - A sign attached to and extending not more than eighteen (18) inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.

50.11 Special Parking Provisions in the CBD-A Zone1. General

The provisions of this Section govern parking for uses in the CBD-A zone. To the extent that these provisions conflict with the provisions of Chapter 105, the provisions of this Section prevail. Where no conflict exists, the provisions of Chapter 105 apply to parking for uses in the CBD-A zone.

2. Number of Spaces

To the extent that paragraphs 3 and 4 of this Section require that uses in the CBD-A zone provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide 1.7 parking spaces for each dwelling unit.
- b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area.
- c. All other uses must provide one parking space for each 350 square feet of gross floor area.

3. Certain Floor Area Exempt from Parking Requirements

The following paragraphs establish several situations under which properties that are both within Local Improvement District 119 and the CBD-A zone are exempt in whole or in part from providing parking spaces:

- a. The owner need not increase the number of parking spaces for any floor area that existed prior to September 18, 1978 unless it is converted to a use requiring more parking spaces under paragraph 2 of this Section. If floor area is converted to a more parking intensive use, the owner has a parking obligation equal to the difference between the parking required for the former use and the parking required for the new use. Existing off-street parking provided for any use may not be reduced below the number required for that use based on paragraph 2 of this Section.

b. The parking obligations of the subject property is reduced as follows:

- 1) If new floor area was created or existing floor area converted to a more parking intensive use between September 20, 1976 and October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$2,300.
- 2) If new floor area is created or existing floor area is converted to a more parking intensive use after October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$6,000.
- 3) If the subject property was vacant as of September 18, 1978, the number of parking stalls required for the subject property is reduced by 1 for each 350 sq. ft. of gross floor area created on the ground floor of the subject property.

4. Options for Meeting Parking Obligations

The applicant may meet his/her parking obligation, computed using paragraph 2 of this Section and after reductions under paragraph 3 of this Section, in either or a combination of the following ways:

- a. By providing the required number of parking stalls in or on the building containing the primary use conducted on the subject property.
- b. Providing, or paying the total cost of providing, with the consent of the City, the additional parking spaces in an existing municipal parking facility within the CBD, Planned Areas 6 or 7 zones, or Park/Public Use zones located adjacent to the CBD.
- b+c. By paying \$6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade on-street-or-municipal off-street parking within the CBD, Planned Areas 6 or 7 zones, or Park/Public Use zones located adjacent to the CBD.

50.16 Special Parking Provisions in the CBD-B Zone1. General

The provisions of this Section govern parking for uses in the CBD-B zone. To the extent that these provisions conflict with the provisions of Chapter 105, the provisions of this Section prevail. Where no conflict exists, the provisions of Chapter 105 apply to parking for uses in the CBD-B zone.

2. Number of Spaces

To the extent that paragraphs 3 and 4 of this Section require that uses in the CBD-B zone provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide 1.7 parking spaces for each dwelling unit.
- b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area.
- c. All other uses must provide one parking space for each 350 square feet of gross floor area.

3. Certain Floor Area Exempt from Parking Requirements

The following paragraphs establish several situations under which properties that are both within Local Improvement District 119 and the CBD-B zone are exempt in whole or in part from providing parking spaces:

- a. The owner need not increase the number of parking spaces for any floor area that existed prior to September 18, 1978 unless it is converted to a use requiring more parking spaces under paragraph 2 of this Section. If floor area is converted to a more parking intensive use, the owner has a parking obligation equal to the difference between the parking required for the former use and the parking required for the new use. Existing off-street parking provided for any use may not be reduced below the number required for that use based on paragraph 2 of this Section.

b. The parking obligations of the subject property is reduced as follows:

- 1) If new floor area was created or existing floor area converted to a more parking intensive use between September 20, 1976 and October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$2,300.
- 2) If new floor area is created or existing floor area is converted to a more parking intensive use after October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by \$6,000.
- 3) If the subject property was vacant as of September 18, 1978, the number of parking stalls required for the subject property is reduced by 1 for each 350 sq. ft. of gross floor area created on the ground floor of the subject property.

4. Options for Meeting Parking Obligations

The applicant may meet his/her parking obligation, computed using paragraph 2 of this Section and after reductions under paragraph 3 of this Section, in either or a combination of the following ways:

- a. By providing the parking spaces on the subject property consistent with the provisions of Chapter 105.
- b. Providing, or paying the total cost of providing, with the consent of the City, the additional parking spaces in an existing municipal parking facility within the CBD, Planned Areas 6 or 7 zones, or Park/Public Use zones located adjacent to the CBD.
- c. By paying \$6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade on-street-or-municipal off-street parking within the CBD zones, Planned Areas 6 or 7 zones, or Park/Public Use zones located adjacent to the CBD.

CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

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|-------------------|---|
| 105.05 | User Guide |
| 105.10 | <u>Vehicular Access Easement or Tract and Private Roadway Standards</u> |
| 105.12 | Computation of Lot Area <u>Maximum Allowable Grade</u> |
| 105.15 | Exception in the CBD |
| 105.20 | Number of Spaces - Minimum |
| 105.25 | Number of Spaces - Not Specified in Use Zones |
| 105.30 | Number of Spaces - Fractions |
| 105.35 | Number of Spaces - Modification |
| 105.40 | Location of Parking Areas - General |
| 105.45 | Location of Parking Areas - Shared Facilities |
| 105.50 | Location of Parking Areas - Adjoining Low Density Zones |
| 105.55 | Location of Parking Areas - Required Setback Yards |
| 105.60 | Parking Area Design - General |
| 105.62 | Parking Area Design - Turnaround Space |
| 105.65 | Parking Area Design - Compact Car Spaces |
| 105.70 | Parking Area Design - Parking Designed for the Handicapped |
| 105.75 | Parking Area Design - Landscaping |
| 105.77 | <u>Parking Area Design - Curbing</u> |
| 105.80 | <u>Parking Area Design - Buffering</u> |
| 105.85 | Parking Area Design - Dedication |
| 105.90 | Parking Area Design - Plant Choice |
| 105.95 | Parking Area Design - Traffic Control Devices |
| 105.97 | Parking Area Design - Backing Onto Street Prohibited |
| 105.100 | Parking Area Design - Surface Materials |
| 105.102 | Parking Area Design - Streets Use in Circulation Pattern |
| 105.103 | <u>Modifications</u> |
| 105.104 | <u>Planning Director Authority to Adopt Standards</u> |
| 105.105 | <u>Appeals</u> |
| 105.105b | <u>Bonds</u> |

105.05 User Guide

This Chapter contains information on vehicle circulation areas, parking areas, and related improvements. For the most part, this Chapter will not tell you how many parking spaces are required for a particular use. This information is listed for most uses in the use zone charts. However, this Chapter does provide a mechanism for determining the specific parking requirement for some uses. It also contains a mechanism for requesting permission to increase or decrease the parking requirements of this Code. Finally, this Chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular circulation areas.

105.10 Vehicular Access Easement or Tract and Private-Roadway Standards

1. Roadway Widths - For vehicular access easements or tracts, and private roadways, minimum standards for widths are established as follows:

a. (Detached dwelling units:

(1-2 lots: 10 feet of paved surface in a 15 foot easement or tract

(3-4 lots: 12 feet of paved surface in a 20 foot easement or tract

(5 or more lots: Determined by the Department of Public Works on a case by case basis

- b. (For uses other than detached dwelling units, (the minimum standard is 20 feet of paved (surface with vertical cast in place curbs (and gutters within a 22 foot easement or (tract. A standard greater than the minimum (width may be required by the Department of (Public Works as determined on a case by case (basis.

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2. Maximum-Allowable-Grade

The-slope-of-entrance-and-exit-driveways-shall not-exceed-6%-for-the-first-20-feet-back-from-the face-of-the-curb.--Thereafter,-the-slope-shall not-exceed-15%.

3. Department-of-Planning-and-Community-Development to-Adopt

a. The-Planning-Direector-is-authorized-to develop,-consistent-with-this-Chapter,-any additional-dimensional-or-similar-standards for-parking-spaces,-parking-lots,-access easements-and-walkways,-private-roadways-and other-privately-owned-vehicle-and-pedestrian access-ways-that-may-be-necessary-for implementation-of-this-Chapter.

b. The-City-shall-enforce-any-standards established-under-paragraph-a.-of-this section-as-if-they-were-part-of-this-Code.

4. Modification--A-modification-of-paragraphs-1,-2, and-3-of-this-Section-may-be-requested-of-the Planning-Official.--The-Planning-Official-may approve-a-modification-if--

a. The-modifications-will-not-affect-the ability-to-provide-any-property-with-police, fire,-emergency-medical-or-other-essential services;-and

b. One-of-the-following-requirements-is-met:

- i. The-modification-is-necessary-because-of-a-pre-existing-physical-condition;
- ii. The-modification-will-produce-a-site design-superior-to-that-which-would result-from-adherence-to-the-adopted standard.

105.12 Computation of Lot Area --- The area of an access easement shall not be included in the computation of the lot area for the servient lot if the easement serves more than one lot which does not abut a right-of-way.

Maximum Allowable Grade

The slope of vehicular access easements and tracts, and the slope of entrance and exit driveways, except driveways for detached single family residences, shall not exceed 6% for the first 20 feet from the face of the abutting right-of-way curb. Thereafter, the slope shall not exceed 15%. The Department of Public Works and Fire are authorized to modify the standards for maximum allowable grade on a case-by-case basis.

105.15 Exception in the CBD

If the subject property is within the Central Business District Zone, the requirements contained within Chapter 50 of this Code supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with Chapter 50 of this Code, apply to properties in the CBD.

105.20 Number of Spaces - Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this Chapter.

105.25 Number of Spaces - Not Specified in Use Zones

If this Code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

105.35 Number of Spaces --- Modification

An applicant may request a modification of the required number of parking spaces through Process I, described in Chapter 145 of this Code. The City may approve a modification for a decrease in the required number of spaces if the number of spaces proposed is sufficient to fully serve the use.

105.40 Location of Parking Areas - General

1. The applicant shall provide the required number of parking spaces either--

- a. On the subject property; or
- b. On a lot adjoining the subject property if that lot is in a zone that permits the use conducted on the subject property.

If the parking for a use is located on a lot, other than the lot upon which the use is located, the owner of the lot containing the parking must sign a statement in a form acceptable to the City Attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The applicant must file this statement with the King County Bureau of Elections and Records to run with the property.

2. The applicant may request a modification of the location requirements of paragraph 1 of this Section through Process I, described in Chapter 145 of this Code. The City may approve a modification if--

- a. The proposed parking area will have no adverse impacts on adjacent properties.
- b. It is reasonable to expect that the proposed parking area will be used by the subject use.
- c. A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.

105.45 Location of Parking Areas - Shared Facilities

Two or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time.

105.50 Location of Parking Areas - Adjoining Low Density Zones

The applicant shall locate a parking area for a use other than a detached dwelling unit as far as possible from any adjoining low density zone, or existing low density permitted use.

105.55 Location of Parking Areas - Required Setback Yards

For regulations on parking areas in required setback yards, see Chapter 115 of this Code.

105.60 Parking Area Design - General

The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 of this Code. These plates apply to parking for all uses except detached dwelling units.

105.62 Parking Area Design - Turnaround Space

All parking stalls located at the end of a dead end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows (see also Plate 20):

| <u>Width of Driving Aisle</u> | <u>Depth of Turnaround Space</u> |
|-------------------------------|----------------------------------|
| 24' or less | 6' |
| 25' | 5' |
| 26' | 4' |
| 27' | 3' |
| 28' | 2' |
| 29' | 1' |
| 30' | 0' |

105.65 Parking Area Design - Compact Car Spaces

The applicant may develop and designate up to 50% of the number of parking spaces for compact cars.

105.70 Parking Area Design - Parking Designed for the Handicapped

The applicant shall design the parking area using standards set forth in Chapter 75 of the Uniform Building Code regarding parking for handicapped persons.

105.75 Parking Area Design - Landscaping

1. General - Except as specified in paragraph 2 of this section, the applicant shall arrange the

spaces so that there are no more than 8 contiguous spaces in each row of spaces. An island or peninsula of the same dimensions as the adjacent parking stalls must separate adjacent groups of spaces from one another and each row of spaces from any adjacent driveway which runs perpendicular to the row. This island or peninsula must be surrounded by a 6" high vertical curb and must be landscaped with at least one deciduous tree, 2" in diameter as measured using the standards of the American Association of Nurserymen or a coniferous tree 5' in height.

2. Exception - The requirements of paragraph 1 of this section do not apply to any parking area that--
 - a. Is within the CBD zone; or
 - b. Is within or under a building; or
 - c. Contains less than 14 parking spaces.
3. Modification--A modification of the requirements of paragraph 1 of this Section will be allowed if the applicant demonstrates to the satisfaction of the Planning Official that either:
 - a. The modification will result in an innovative and efficient use of space; or
 - b. The modification will result in increased retention of significant natural vegetation.

105.77 Parking Area Design - Curbing

1. All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.
2. Modification--A modification of the curbing requirement of paragraph 1 of this Section may be requested of the Planning Official--The Planning Official may approve a modification if--
 - a. The modification would result in superior landscaping and/or increased retention of significant natural vegetation; and
 - b. The modification will not result in increased hazards for pedestrians or vehicles; and

6. (The modification will not result in increased erosion of unpaved areas onto the parking area, driveway or right-of-ways.

105.80 Parking Area Design -- Buffering

1. General - Except as specified in paragraph 2 of this section, the applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip along the perimeter of the parking areas and driveways planted as follows:
 - a. One row of trees, 2" in diameter as measured using the standards of the American Association of Nurserymen, planted 30 feet on center along the entire length of the strip. No more than 25% of the required trees may be deciduous.
 - b. Ground cover planted to attain a coverage of at least 60% of the strip area within 2 years.
2. Exception - The requirements of paragraph 1 of this section do not apply to any parking area that--
 - a. Is within the CBD zone; or
 - b. Is within or under a building; or
 - c. Serves detached dwelling units exclusively.
 - d. Is a shared parking area serving two or more adjacent uses.
3. Overlapping Requirements - If buffering is required under Chapter 95 of this Code and by this Section, the applicant shall utilize the more stringent buffering requirement.
4. Significant Natural Vegetation
 - a. General - The applicant may use significant natural vegetation to meet all or part of the requirements of paragraph 1 of this Section.
 - b. Protection Techniques - The applicant shall use the protection techniques described in Chapter 95 of this Code to ensure the protection of significant natural vegetation.

- c. ~~(Supplement - The City may require the applicant to plant trees and shrubs according to the requirements of paragraph 1 of this Section to supplement the retained significant natural vegetation in order to provide a buffer at least as efficient as the required standard.~~

5. ~~Modification--A modification of paragraph 1 of this Section may be requested of the Planning Official.--The Planning Official may approve a modification if--~~

- a. ~~The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or~~
- b. ~~The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or~~
- c. ~~The modification will provide a visual screen that is comparable or superior to the buffer required by paragraph 1 of this Section.~~

105.85 Parking Area Design - Dedication

The City may require the applicant to dedicate development rights, air space, or an open space easement to the City in order to ensure the preservation of significant natural vegetation or planted materials.

105.90 Parking Area Design - Plant Choice

The provisions of Chapter 95 of this Code regarding plant choice apply to the landscaping and buffering required in this Chapter.

105.95 Parking Area Design - Traffic Control Devices

If the parking area serves a use other than a detached dwelling unit, the applicant shall clearly delineate parking spaces, traffic direction, and entrance and exitways. The City may require other traffic control devices necessary to ensure the safe and efficient flow of traffic.

105.97 Parking Area Design - Backing onto Street Prohibited

Parking areas for uses other than detached dwelling units must be designed so that traffic need not back onto any street.

1. General - The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area.

2. Modification -- If an impervious surfacing material is required by Paragraph 1 of this Section, the use of a pervious surfacing material may be requested of the Planning Official. -- The Planning Official may approve the use of a pervious surfacing material if --

a. The surfacing material will not enter into the drainage system, or onto public or other private property; and

b. The material will provide a parking surface which is usable on a year-round basis.

105.102 Parking Area Design - Streets Used in Circulation Pattern

If a parking lot is designed so that a street is used as part of the circulation pattern, the parking lot must be designed so that traffic turning into or out of the parking area need not cross any moving lanes of traffic in the street. See Plate 8a.

105.103 Modifications

1. General - The provisions of this Section establish under what circumstances the requirement of this Chapter may be modified.

2. Authority to Grant and Duration

a. If the proposed development of the subject property requires approval through Processes I, IIA, IIB, or III, described in Chapters 145, 150, 152 and 155 of this Code respectively, a request for a modification will be considered as part of that process under the provisions of this Section. The City must find that the applicant meets the criteria listed below in Section 105.103.3. If granted under Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within 5 years of the granting of the modification.

- b. If paragraph 2.a. above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

3. Modifications - The Planning Official may require or grant a modification to required improvement in this Chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:

- a. For a modification to Section 105.10 for vehicular access easements or tracts and for Sections 105.60 and 105.97 for parking area design, the requirements may be modified if:

- 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
2. One of the following requirements is met:
 - a) The modification is necessary because of a pre-existing physical condition;
 - b) The modification will produce a site design superior to that which would result from adherence to the adopted standard; and

- b. For a modification to Sections 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking study to be sufficient to fully serve the use.

- c. For a modification to Section 105.40, the requirements for parking area location may be modified if:

- 1) The proposed parking area will have no adverse impacts on adjacent properties;
- 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
- 3) A safe pedestrian and/or shuttle connection exists, or will be created between the subject use and the proposed parking area.

- d. For a modification to Section 105.75, the landscape requirements may be modified if:

- 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard
- 2) The modification will result in increased retention of significant natural vegetation.

e. For a modification to Section 105.77, the curbing requirement for parking areas and driveways may be modified if:

- 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
- 2) The modification will not result in increased hazards for pedestrians or vehicles; and
- 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or right-of-ways.

f. For a modification to Section 105.80, the buffering requirements for parking areas and driveways may be modified if:

- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
- 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
- 3) The modification will provide a visual screen that is comparable or superior to the buffer required by Section 105.80 of this Chapter.

g. For a modification to Section 105.100, the surface material requirement for parking areas and driveways may be modified if:

- 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and

- (?) The material will provide a parking surface which is usable on a year-round basis.

105:104 Planning Director Authority to Adopt Standards

- 1: The Planning Director is authorized to develop, consistent with this Chapter, any additional dimensional or similar standards that may be necessary for implementation of this Chapter.
- 2: The City shall enforce any standards established under paragraph a. of this section as if they were part of this Code.

~~105:104~~

105:105 Appeals

~~Decisions made~~ Modifications granted by the Planning Official under Section 105:103 of this Chapter and Standards established by the Planning Director under Section 105:104 s-105:10, -105:75, -105:77, -105:80, and 105:100 may be appealed using the appeal provisions of Process I of this Code, Sections 145.55 through 145.100.

~~105:105~~

105:106 Bonds

The City may require or permit a bond under Chapter 175 of this Code to ensure compliance with any of the requirements of this Chapter.

7. Street Signs and Traffic Control Devices - The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.
8. Trees - All trees planted in the right-of-way must be approved as to species by the City, and must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least eight feet above finished grade.
9. Utility Lines and Appurtenances -
 - a. The location of sanitary sewer lines and water mains shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be located underground within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.
 - b. ~~All utility lines between the right-of-way and the improvement on the subject property must be undergrounded. If the Public Works Department determines that it is feasible, all existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. The applicant shall submit a statement from all utility companies with existing overhead lines indicating if undergrounding is feasible. If undergrounding is determined not to be feasible, the applicant must sign a concomitant agreement for future undergrounding. Utility appurtenances must be no higher than the finish grade whenever feasible.~~
10. If the subject development is for a non-residential use or contains more than two (2) dwelling units, the applicant shall do preliminary engineering and provide construction design for the improvements required by this Chapter. If the proposed development contains one or two dwelling units, the City will provide construction plans for the improvements required by this Chapter.

11. Other Necessary Improvements - The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this Code.

110.65 Engineering Standards

The Public Services Director is directed to develop and keep current full engineering standards and specifications for all improvements in the right-of-way. The applicant shall comply with these standards and

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specifications for all improvements. The right-of-way. The standards and specifications are available for public inspection and copying in the Public Services Department during regular business hours.

110.70 Modifications, Deferments and Waivers.

1. General - The provisions of this Section establish under what circumstances the requirement of this Chapter may be modified, deferred or waived.
2. Authority to Grant and Duration
 - a. If the proposed development of the subject property requires approval through Processes I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 of this Code respectively, a request for a modification, deferment or waiver will be considered as part of this process under the provisions of this Section. If granted under Process I, IIA, IIB or III, the modification, deferment, or waiver is binding on the City for all development permits issued for that development under the Building Code within 5 years of the granting of the modification, deferment or waiver.
 - b. If paragraph 2.a. above does not apply, the Public Works Department may, after considering a written recommendation from the Planning Official, grant a modification, deferment or waiver in writing under the provisions of this section.
3. Modifications: The Public-Works-Department-City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:
 - a. If the improvement as required would not match the existing improvements.
 - b. If unusual topographic or physical conditions preclude the construction of the improvements as required.
 - c. If other unusual circumstances preclude the construction of the improvements as required.
4. Deferment. The-Public-Works-Department City may require or permit that the required improvements be installed at a later time:

- a. (If the required improvement is part of a
(larger project that has been scheduled for
(implementation in the City's Capital
(Improvement Program; or
- b. (If the subject proposal is for a single
(detached dwelling unit and the installation
(of the improvement would not complete the
(lesser of a full block face or 300 feet of
(frontage; or
- c. (If installation of the required improvement
(would require substantial off-site roadway
(modifications; or
- d. (If the Public Works Department determines
(that installation of the required
(improvement would result in a safety hazard.

O-2979

5. Deferment Requirements - If the City approves a
(deferment:

- a. The applicant and the City must sign a
concomitant agreement to run with the
property, in a form acceptable to the City
Attorney, specifying that the applicant will
install or reimburse the City for construc-
tion of the deferred improvements as
directed by the City. The applicant must
file this agreement with the King County
Bureau of Elections and Records.
- b. (The applicant must grade the subject portion
(of the right-of-way as though the
(improvement were to be immediately installed
(and stabilize the graded area in a manner
(approved by the Public Works Department.
(The applicant may be exempted from this
(requirement if the Public Works Department
(determines that unusual circumstances
(preclude the grading.

O-2979

- 6. Waiver - The City may waive and not require or
allow installations of a required improvement if
the City determines that the current level and
extent of the improvement in the right-of-way
adjacent to the subject property will not be
changed in the future.
- 7. Multiple Adjacent Right-of-Ways - When the sub-
ject property is adjacent to two or more right-
of-ways; modifications, deferments or waivers
must be considered separately for each right-of-

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 | Sanitary Sewer Connection Required |
| 115.135 | Sight Distance at Intersection |
| 115.140 | Swimming Pools, -Fences-Required <u>Temporary Trailers For Construction and Real Estate Sales Offices</u> |
| 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.

5. Bonds -The City may require the following bonds, per Chapter 175:

- a. A performance bond to guarantee that the land surface modification will conform to City standards; and/or
- b) A maintenance bond after the land surface modification is completed.

115.80 Legal Building Site

1. General - It is a violation of this Code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:

- a. It was created or segregated pursuant to all applicable laws, ordinances and regulation.
- b. Except as specified in paragraph 2 of this Section, it meets the allowable minimum lot size established by this Code.
- c. It is either adjacent to or has a recorded access easement to a street providing access to the lot or parcel, that meets the minimum requirements established under this Code.

2. Exception, Detached Dwelling Units - An applicant may build one detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if--

- a. The applicant applies for necessary permits to construct the unit within 5 years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County Subdivision and Zoning laws; or
- b. There is or has been a residence on the subject property. The applicant may remodel or rebuild that one residence provided that all other zoning code requirements are met; or
- c. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 14, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

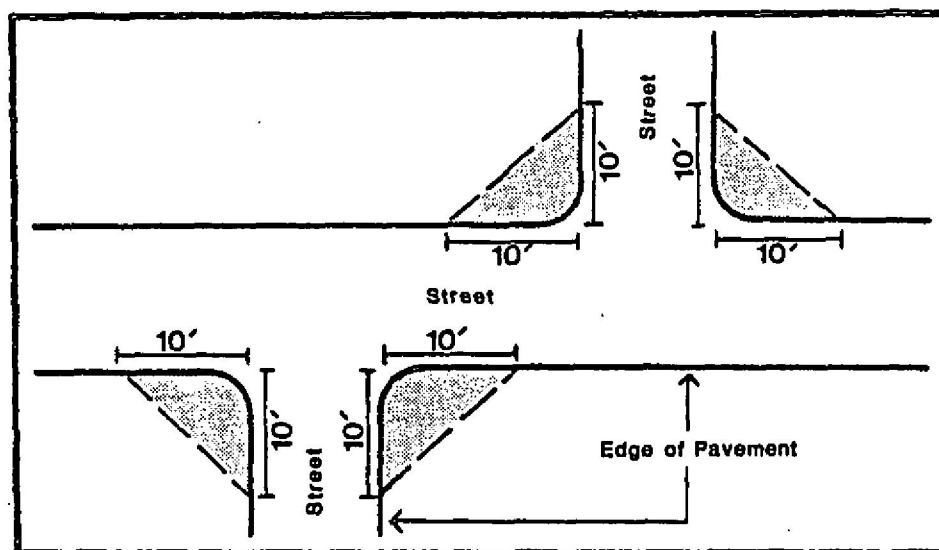
Ionizing radiation is defined and regulated by the State of Washington pursuant to RCW 70.98. Any complaint, inquiry, or violation regarding ionizing radiation within the City of Kirkland will be referred to the Department of Social and Health Services.

115.115 Required Yards

1. General - This Section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 65 of this Code.
2. Exceptions and Limitations in Some Zones - Chapters 15 through 65 contain specific regulations regarding what may be in or take place in required yards. Where applicable, those specific regulations supersede the provisions of this section.
3. Structures and Improvements - No improvement or structure may be in a required yard except as follows:
 - a. A driveway and/or parking area subject to the standards of sections 115.115.5.a and 115.115.5.b.
 - b. Any improvement or structure, other than a driveway and/or parking area, that is not more than 4 inches above finished grade may be anywhere in a required setback yard.
 - c. An improvement or structure, that is not more than 18 inches above finished grade may extend not more than 5 feet into a required yard.
 - d. Chimneys, bays, greenhouse windows, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required yard. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed 25% of the length of the facade of the structure. See Plate 10.
 - e. Fences may be located in required yards subject to the fence regulations contained within this Chapter.

- f. Rockeries and retaining walls may be located in required yards if--
 - 1) The rockery or retaining wall is not being used as a direct structural support for a major improvement; and
 - 2) The rockery or retaining wall is reasonably necessary to provide support to a cut or slope.
- g. ~~In-WD-I-and-GBD-D;~~ Improvements associated with shoreline public use and access areas may be located in any required yard. ~~In-WD I,-WD-II-and-GBD-D;-~~ The landward end of a pier may be located in the High Water Line Yard.
- h. See paragraph 5 of this Section for regulations on parking areas.
- i. Those structures and improvements permitted in required yards by Section 115.105 of this chapter.
- j. Signs may be located in required yards subject to Section 115.135 of this Code:
- 4. Outdoor Uses, Activities and Storage - Areas devoted to outdoor use, storage or structured activities, including structured recreation activities, may not be located in required yards except that, ~~in-GBD-D;-and-in-WD-I;~~ shoreline public use and access areas may be located in any required yard.
- 5. Driveways and Parking Areas - Vehicles may not be parked in required yards except as follows:
 - a. Detached Dwelling Units - Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. A driveway and/or parking area shall not exceed 20 feet in width in any required front and/or rear yard, and shall not be closer than 5 feet to any side property line (see Plate 14).

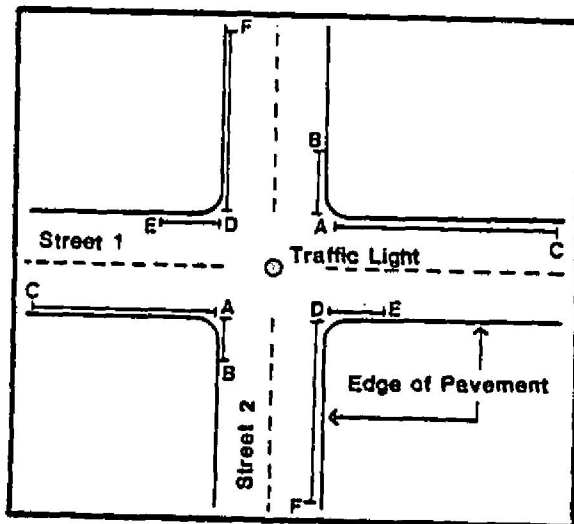
- c. Type "C" Intersection - A type "C" intersection is one in which 2-streets converge in any configuration and both streets are controlled by stop signs. The object at these intersections is to allow traffic stopped at the stop sign to see traffic stopped at the stop signs in every approaching traffic lane. The areas that must be clear of sight obstructions are in the shape of triangles, one at each corner of the intersection. Two sides of each triangle are 10 feet long each as measured along the edge of the pavement. Connecting the ends of these two sides defines the area that must be clear of sight obstructions. See the diagram below.




TYPE "C" INTERSECTION

- d. Type "D" Intersection - A type "D" intersection is one in which all streets are controlled by a traffic light. The object at these intersections is to allow traffic that could turn on a red light to see approaching traffic and to allow traffic with a green light to see traffic that could turn on a red light. The areas that must be kept clear of sight obstructions are in the shape of a triangle, one at each corner of the intersection. The dimensions of these areas depends on the speed of the two streets. Below is a diagram and table that will establish the length of two sides of these triangles. Connecting the end points of these two sides will establish the area

that must be kept clear of sight obstructions at each corner of the intersection. Note that the two sides of the triangle shown on the diagram below are measured along the pavement edge.



TYPE "D" INTERSECTION

|  INTERSECTING STREETS | POSTED SPEED OF THROUGH STREET | LENGTH OF SIDE IN FEET | |
|--|--------------------------------|------------------------|-------------|
| | | SIDES | |
| | | A-B and D-E | A-C and D-E |
| STREET NO 1 | Unposted or 20 - 25 MPH | 13' | 175' |
| | 30 MPH | 14' | 200' |
| | 35 MPH | 14' | 250' |
| | 40 MPH | 14' | 275' |
| STREET NO 2 | Unposted or 20 - 25 MPH | 13' | 175' |
| | 30 MPH | 14' | 200' |
| | 35 MPH | 14' | 250' |
| | 40 MPH | 14' | 275' |

e. Type "E" Intersections - A type "E" intersection is an intersection in which a driveway or access driveway serving any use other than residential use enters a street. The object at these intersections is to allow traffic coming out of the driveway or access driveway-vehicular access easement or tract to see approaching traffic. These intersections are regulated as Type A intersections as if the driveway or access driveway-vehicular access easement or tract is the minor street controlled with a stop sign and the street is the through street.

f. Type "F" Intersection - A type "F" intersection is an intersection in which a driveway or access driveway-vehicular access easement or tract serving exclusively residential uses enters a street. The object at these intersections is to allow traffic coming out of the driveway or access driveway-vehicular access easement or tract to see approaching traffic. The areas that must be clear of sight obstructions are the areas enclosed within triangles, one at each corner of the intersection. Two sides of each triangle area are 10 feet long each as measured along the pavement edge. Connecting the ends of these two sides defines the area that must be clear of sight obstruction. See the diagram below.

- g. One-way Streets and Streets with Median Barriers - The provisions of this Section are written to apply to streets with two-way traffic and without a median barrier. The Public Services Works Director may modify the requirement of this Section to fulfill the purpose of these regulations for intersections including a one-way street or a street with a median barrier.
- h. Intersections Not Specifically Regulated - The Public Services-Works Director shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than 2 streets and for other intersections that are not specifically regulated in Paragraph 2.a. through 2.f. of this Section.

3. Permissible Intrusion in the Area to be Kept Clear of Sight Obstruction

- a. General - Except as stated in paragraph 3.b. of this Section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other thing may be within the area to be kept clear of sight obstructions between 3 feet and 8 feet above the elevations of the pavement edge of each intersecting street, driveway, or ~~access-driveway~~ vehicular access easement or tract where that street, driveway or ~~access-driveway~~ vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.
- b. Exceptions - The following are permitted to be within the area that must be clear of sight obstructions:
 - (1) Any structure erected before the effective date of the Code.
 - (2) Natural topography of the ground. However, the Public Services-Works Director may require land surface modification to fulfill the intent of this Section as part of any development activity on the subject property.
 - (3) Any number of tree trunks and sign or utility poles if the Public Works Services Director determines that adequate visual access is available between these tree trunks or poles.

Swimming pools must be enclosed within a sight-obscuring fence or wall that is at least 5 feet above finished grade.

Temporary Trailers For Construction and Real Estate Sales Offices.

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a Certificate of Zoning Compliance for the building or use.

115.145 Trees; Certain Species Prohibited

The following types of trees may not be planted closer than the listed minimum planting distance to streets or sewers:

| <u>Trees</u> | <u>Minimum Planting Distance</u> |
|---|----------------------------------|
| 1. Ailanthus Altissima (Tree of Heaven) | 25' |
| 2. Catalpa | 25' |
| 3. Cottonwood | 40' |
| 4. Juglans Nigra (Black Walnut) | 25' |
| 5. Platanus (Plane, Sycamore) | 40' |
| 6. Populus (Poplars) | 40' |
| 7. Salix (Willows) | 25' |
| 8. Tilia Americana (Basswood) | 25' |
| 9. Ulmus (Elm) | 40' |

Any person violating this provision is responsible for any damage caused by the tree or trees.

115.150 Vehicles - Size in Residential Zones Limited

1. General - Except as specified below, it is a violation of this Code to park or store any vehicle on any lot in a residential zone if that vehicle is both more than 9 feet in height and 22 feet in length.

2. Exceptions

a. A vehicle of any size may be parked on any lot in the City for not more than 48 hours for the exclusive purpose of loading or unloading the vehicle.

b. The City may, using Process IIA, described in Chapter 150 of this Code, approve a request to park or store a vehicle of any size on a lot in a residential zone if--

(1) The parking or storage of the vehicle will not be detrimental to the character of the neighborhood; and

127.35 Removal of a Temporary Use

The City shall designate, as part of the Temporary Use Permit, a period following the expiration of the permit within which the temporary use must be terminated and all physical evidence of the use must be removed by the applicant. If the temporary use and all physical evidence of the use are not removed within the time specified, the City will remove it under the authority provided in Section 127.15.2 of this Chapter.

127.40 Exceptions to Permit Requirement

The following temporary uses, when located in commercial and industrial zones, are exempt from the permit requirements of this Chapter.

- a. Not to exceed 30 days
 - 1) Christmas tree lots.
 - 2) Fireworks stands.
- b. Not to exceed 5 days
 - 1) Amusement rides.
 - 2) Carnivals and Circuses.
 - 3) Parking lot sales which are ancillary to the indoor sale of the same goods and services.

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In addition to the application materials required in Chapter 155 of this Code, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

130.40 Quasi-Judicial Rezones - Types

There are two types of quasi-judicial rezones as follows:

1. Non-Project-Related - A quasi-judicial rezone will be treated as non-project related when--
 - a. The proposed rezone is initiated by the City and the subject property is not owned by the City; or
 - b. The proposed rezone is from one single family residential zone classification to another single family residential zone classification other than RS-5000; or
 - c. The proposed rezone is to place or remove an overlay zoning designation on the Zoning Map under Chapter 70 through 80 of this Code.
2. Project-Related - A quasi-judicial rezone will be treated as project related when it does not meet the provisions of Paragraph 1 of this Section. All project related reclassifications require a specific development proposal for the subject property.

Sections 45 through 50 of this Chapter apply to non-project related quasi-judicial rezones. Sections 55 through 85 of this Chapter apply to project related quasi-judicial rezones.

130.45 Quasi-Judicial Non-Project Rezones - Criteria

The City may approve an application for a non-project rezone only if it finds that--

1. The proposed rezone is specifically-consistent with the Comprehensive Plan; and
2. The proposed rezone bears a substantial relation to public health, safety, or welfare; and

3. The proposed rezone is in the best interest of the residents of Kirkland; and
4. The proposed rezone is necessary because either--
 - a. Conditions in the immediate vicinity have so markedly changed that a rezone is required in the public interest; or
 - b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or
 - c. The rezone is to place or remove an overlay zoning designation on the Zoning Map and the proposal meets the applicable designation criteria of Chapter 70 through 80 of this Code.

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130.50 Quasi-Judicial Non-Project Rezones - Map Change

If the City approves an application for a non-project related rezone it will give effect to this decision by adopting an ordinance that makes the appropriate change to the zone boundary or zone classification on the Zoning Map.

130.55 Quasi-Judicial Project Rezones - General

The purpose of a project related rezone is to enable the City to evaluate the applicant's specific development proposal for the subject property as part of the decision on the rezone. If the City decides to grant the application, it will adopt a Resolution of Intent to Rezone which permits the applicant to develop the subject property as shown on the site plan that will be approved as part of that Resolution. After the approved development is completed, the City will make the appropriate change to the Zoning Map of the City.

130.60 Quasi-Judicial Project Rezones - Criteria

The City may approve an application for a project related rezone only if it finds that--

1. The criteria set forth in Section 45 of this Chapter are met; and

O-2771 10/17/83

- (3) The staff report on the appeal.
- (4) The electronic sound recording of the hearing on the appeal.
- (5) The decision of the Hearing Examiner on the appeal.
- e. Any other information relevant to the matter.
- 2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

145.30 Notice

- 1. Content - The Planning Official shall prepare a notice of each application containing the following information:
 - a. The name of the applicant and, if applicable, the project name.
 - b. The street address of the subject property, or if this is not available, a locational description in non-legal language along with a vicinity map that identifies the subject property.
 - c. The citation of the provision of this Code describing the requested decision.
 - d. A brief verbal description of the requested decision.
 - e. A statement of the availability of the official file.
 - f. A statement of the right of any person to submit written comments to the Planning Director regarding the matter; ~~and the deadline for submitting these comments.~~ at least fourteen (14) calendar days after the date the notice is postmarked for distribution as established in Section 40 of this Chapter.
 - g. A statement that only the person who submitted written comments to the Planning Director may appeal the Director's decision.
- 2. Distribution - The Planning Official shall distribute this notice at least fourteen (14) calendar days before the deadline established in paragraph 1.f., of the section as follows:

- a. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- b. At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on every public right-of-way providing primary vehicular access to any property that abuts the subject property.
- c. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

145.35 Burden of Proof

The applicant has the responsibility of convincing the Planning Director that, under the provisions of this Chapter, the applicant is entitled to the requested decision.

145.40 Written Comments

1. General - The Planning Director shall consider all written comments and information regarding the requested decision that are delivered to the Planning Department before the deadline established under paragraph 2 of this section.
2. Deadline - The Planning Official shall establish the deadline for submitting comments which will be at least fourteen (14) calendar days after the date the notice is published in the official newspaper of the City.

145.45 Planning Director's Decision

1. General - Within ten (10) working days after the deadline for submitting comments and after considering all of the information and comments submitted on the matter, the Planning Director shall issue a written decision either--
 - a. Granting the application; or
 - b. Modifying and granting the application; or
 - c. Denying the application.

2. Decisional Criteria - The Planning Director shall use the criteria listed in the provision of this Code describing the requested decision in deciding upon the application. In addition, the Planning Director may approve the application only if:
- It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - ~~It is not inconsistent with any specific provision of~~ consistent with all applicable Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
 - It is consistent with the public health, safety and welfare.
3. Conditions and Restrictions - The Planning Director shall include in the written decision any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.
4. Contents - The Planning Director shall include in the written decision--
- A statement granting, modifying and granting, or denying the application.
 - Any conditions and restrictions that are imposed.
 - A statement of facts presented to him/her that support the decision, including any conditions and restrictions that are imposed; and
 - A statement of the Director's conclusions based on those facts;
 - A statement of the criteria used by the Director in making the decision; and
 - A summary of the rights, as established in this Chapter, of the applicant and others to appeal the decision of the Director.
5. Issuance of Written Decision - Within two (2) working days after the Planning Director's written decision is issued the Director shall distribute the decision as follows:

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- a. (copy will be mailed to the applicant.
- b. A copy will be mailed to any person who submitted written comments to the Director.

145.50 Effect of the Decision

The applicant may not engage in any activity based on the decision granting the application until the time to appeal has expired. If the decision is appealed, the applicant may not engage in any activity based on the decision granting the application until the City issues a final decision on the matter. If the decision of the Planning Director is not appealed, that decision is the final decision of the City.

145.55 Request for Reconsideration

1. General - Any person who has a right to appeal a decision under Section 60.1 of this Chapter may request the Planning Director to reconsider any aspect of his/her decision by delivering a written request for reconsideration to the Planning Department within five (5) working days following the postmarked date of distribution of the Planning Director's written decision. The person requesting the reconsideration shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.
2. Notice of Request -
 - a. The person requesting reconsideration shall, within the same time limits established in paragraph 1. of this Section, mail or personally deliver a copy of the request for reconsideration and a notice of the deadline for responding to the request for reconsideration as established in paragraph 2.b of this Section to those persons described in Section 60.1 of this Chapter. Proof of such mail or personal delivery shall be made by affidavit. The affidavit of mailing and/or delivery shall be attached to the request for reconsideration delivered to the Planning Department in accordance with this subsection.
 - b. Any person receiving a copy of the request for reconsideration pursuant to paragraph 2.a of this Section may file a written response to the request. Such response shall be submitted to the Planning Department within five (5) working days after the request letter was filed with the Planning Department.

c. (Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in Section 60.1 of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the request for reconsideration filed with the Planning Department pursuant to paragraph 1. of this Section.)

3. Decision to Reconsider - Within ten (10) working days after receiving a request for reconsideration, the Planning Director shall notify the person requesting the reconsideration whether or not the Planning Director will reconsider the decision. The Planning Director may reconsider the decision only if he/she concludes that there is substantial merit in the request.
4. Effect - If the Planning Director grants a request to reconsider any aspect of the decision, the City may not process any appeals of the decision until the Planning Director issues his/her written decision on the reconsidered aspect.

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5. (Process - If the Planning Director reconsiders
(the decision, the provisions of Section 30
(through .50 of this Chapter will be followed,
(except that:

(a. The Planning Director may limit the recon-
(sideration by:

(1) Limiting the persons who may partici-
(pate in the reconsideration to the
(persons who have a right to appeal the
(decision;

(2) Limiting the aspect of the decision
(that will be reconsidered; and

O-2952 (3) Limiting the nature of the reconsidera-
(tion by only receiving written comments
(and by not holding a hearing.

(Any limitations will be included in the
(notice given under Section 30 of this
(Chapter; and

(b. If the Planning Director limits the persons
(who may participate in the reconsideration
(under paragraph 4.a.1 of this Section, the
(Planning Official shall send notice under
(Section 30 of this Chapter only to those
(persons. In all other cases, the Planning
(Official shall send this notice to the
(persons described in paragraph 4.a.1) of
(this Section in addition to the persons
(described in Section 30.2.a and .b of this
(Chapter.

145.60 Appeals

1. Who May Appeal - The decision of the Planning
Director may be appealed by--

a. The applicant, or

b. Any person who submitted written comments to
the Director.

O-2952 2. Time to Appeal/How to Appeal - The appeal, in the
form of a letter of appeal, must be delivered to
(the Planning Department within ten (10) working
(days following the day the Director's decision
(was distributed. It must contain--

MAY 1986 (Ordinance 2952)

- a. Clear reference to the matter being appealed; and
- b. A statement of the specific factual findings or conclusions of the Planning Director disputed by the person filing the appeal.

3. Notice of Appeal

- a. Any person filing an appeal shall, prior to delivery of the letter of appeal to the Planning Department, mail or personally deliver a copy of such appeal letter and a notice of the deadline for responding to the appeal as established in paragraph 3.b. of this Section to those persons described in paragraph 1. of this Section. Proof of service by mail or personal delivery shall be, by affidavit, attached to the copy of the appeal letter delivered to the Planning Department pursuant to this subsection.
- b. Any person receiving a copy of the letter of appeal pursuant to paragraph 3.a. of this Section may file a written response to the letter of appeal. Such response shall be submitted to the Planning Department within five (5) working days after the appeal letter was filed with the Planning Department.
- c. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in paragraph 1 of this Section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the letter of appeal filed with the Planning Department pursuant to paragraph 2. of this Section.

4. Fees - The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.
5. Jurisdiction - Appeals from the decision of the Planning Director will be heard by the Hearing Examiner.

145.65 Notice of the Appeal Hearing

1. Content - The Planning Official shall prepare a notice of the appeal containing the following:

- a. The file number and a brief verbal description of the matter being appealed.
 - b. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.
 - c. The time and place of the public hearing on the appeal before the Hearing Examiner.
 - d. A statement of who may participate in the appeal.
 - e. A statement of how to participate in the appeal.
2. Distribution - At least fourteen (14) calendar days before the hearing on the appeal, the Planning Official shall send a copy of this notice to each person entitled to appeal the decision under Section 60 of this Chapter.

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- a. Affirm the decision being appealed; or
 - b. Reverse the decision being appealed; or
 - c. Modify the decision being appealed.
2. Issuance of Written Decision - Within fourteen (14) calendar days after the public hearing, the Hearing Examiner shall issue a written decision on the appeal. Within two (2) working days after it is issued, the Hearing Examiner shall distribute the decision as follows:
- a. A copy will be mailed to the applicant.
 - b. A copy will be mailed to the person who filed the appeal.
 - c. A copy will be mailed to all other persons who participated in the appeal.
3. Effect - The decision by the Hearing Examiner is the final decision of the City.

145.110 Judicial Review

The action of the City in granting or denying an application under this Chapter may be reviewed for illegal, corrupt or arbitrary or capricious action in the King County Superior Court. The petition for review must be filed within thirty (30) calendar days of the final decision of the City.

145.115 Lapse of Approval

1. The applicant must begin or submit to the City a complete Building Permit application for the development activity, use of land, or other actions approved under this Chapter within one (1) year after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this Chapter and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this Chapter and made a condition of the Notice of Approval.

2. Time Extensiona. Application

The applicant may apply for a one time extension of up to one (1) year by submitting a letter to the Planning Department, along with any other supplemental documentation, which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and that circumstances beyond his/her control prevent timely compliance.

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150.30 Notice

1. Contents - The Planning Official shall prepare a notice of each application containing the following information:
 - a. The name of the applicant and, if applicable, the project name.
 - b. The street address of the subject property, or if this is not available, a locational description in non-legal language along with a vicinity map that identifies the subject property.
 - c. The citation of the provision of this Code describing the applied for decision.
 - d. A brief verbal description of the requested decision.
 - e. The time and place of the public hearing.
 - f. A statement of the availability of the official file.
 - g. A statement of the right of any person to submit written comments to the Hearing Examiner and to appear at the public hearing of the Hearing Examiner to give comments orally.
 - h. A statement that only persons who submit written or oral comments to the Hearing Examiner may appeal the Hearing Examiner's decision.
2. Distribution
 - a. The Planning Official shall distribute this notice at least fourteen (14) calendar days before the public hearing as follows:
 - 1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
 - 2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - 3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

d. ~~At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. -- Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.~~

e. 4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

b. Public Notice Sign - The applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:

- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
- 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
- 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.
- 4) The applicant shall post a bond pursuant to Chapter 175 of this Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.
- 5) The signs shall be removed within seven (7) calendar days after the final public hearing.

150.35 Staff Report

1. Contents - The Planning Official shall prepare a staff report containing the following information:
 - a. All pertinent application materials.

- b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.
 - c. An analysis of the application in relation to the applicable provisions of this Code and the Comprehensive Plan.
 - d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.
 - e. A recommendation on the matter.
2. Distribution - At least seven (7) calendar days before the hearing, the Planning Official shall distribute the staff report as follows:
- a. A copy will be sent to the Hearing Examiner.
 - b. A copy will be sent to the applicant.

150.40 Public Hearing

- 1. General - The Hearing Examiner shall hold a public hearing on each application.
- 2. Hearing Declared Open - The hearings of the Hearing Examiner are open to the public.

150.45 Electronic Sound Recording

The Hearing Examiner shall make a complete electronic sound recording of each public hearing.

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The applicant has the responsibility of convincing the Hearing Examiner that, under the provision of this Chapter, the applicant is entitled to the requested decision.

150.55 Public Comments and Participation at the Hearing

Any person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the Hearing Examiner, either by delivering these comments to the Planning Department prior to the hearing or by giving these directly to the Hearing Examiner at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of oral comments to facilitate the orderly and timely conduct of the hearing.

150.60 Continuation of the Hearing

The Hearing Examiner may continue the hearing if, for any reason, he/she is unable to hear all of the public comments on the matter or if the Hearing Examiner determines that he/she needs more information on the matter. If, during the hearing, the Hearing Examiner announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

150.65 Hearing Examiner's Decision

1. General - After considering all of the information and comments submitted on the matter, the Hearing Examiner shall issue a written decision either--

- a. Granting the application; or
- b. Modifying and granting the application; or
- c. Denying the application.

If the Hearing Examiner issues the decision more than ten (10) working days after the public hearing, he/she shall state in writing or on the record, the reason for the delay and the approximate date of issuing the decision. In no event may the Hearing Examiner take more than twenty (20) working days after the public hearing to issue his/ her decision unless agreed to by the applicant.

2. Decisional Criteria - The Hearing Examiner shall use the criteria listed in the provision of this Code describing the requested decision in deciding upon the application. In addition, the Hearing Examiner may approve the application only if:
 - a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - b. ~~It is not inconsistent with any specific provision of consistent with all applicable~~ Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.
3. Conditions and Restrictions - The Hearing Examiner shall include in the written decision any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.
4. Contents - The Hearing Examiner shall include the following in his/her written decision--
 - a. A statement granting, modifying and granting, or denying the application.
 - b. Any condition and restrictions that are imposed.
 - c. A statement of facts presented to him/her that support the decision, including any conditions and restrictions that are imposed.
 - d. A statement of the Hearing Examiner's conclusions based on those facts.
 - e. A statement of the criteria used by the Hearing Examiner in making the decision.
 - f. A summary of the rights, as established in this Chapter, of the applicant and others to appeal the decision of the Hearing Examiner.
5. Issuance of Written Decision - Within two (2) working days after the Hearing Examiner's written decision is issued, the Planning Official shall distribute the decision as follows:
 - a. A copy will be mailed to the applicant.
 - b. A copy will be mailed to any person who submitted written or oral comments to the Hearing Examiner.

150.70 Effect of (ie Decision

The applicant may not engage in any activity based on the decision granting the application until the time to appeal has expired. If the decision is appealed or if a request for reconsideration is granted, the applicant may not engage in any activity based on the decision granting the application until the City issues a final decision on the matter. If the decision of the Hearing Examiner is not appealed or reconsidered, that decision is the final decision of the City.

150.75 Request for Reconsideration

1. General - Any person who has a right to appeal a decision under Section 80.1 of this Chapter may request the Hearing Examiner to reconsider any aspects of his/her decision by delivering a written request for reconsideration to the Planning Department within five (5) working days of the postmarked date of distribution issuance of the Hearing Examiner's written decision. The person requesting the reconsideration shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.
2. Notice of Request -
 - a. The person requesting the reconsideration shall, within the same time limits established in paragraph 1. of this Section; mail or personally deliver a copy of the request for reconsideration and a notice of the deadline for responding to the request for reconsideration as established in paragraph 2.b. of this Section to those persons described in Section 80.1 of this Chapter. Proof of such mail or personal delivery shall be made by affidavit. The affidavit of mailing and/or delivery shall be attached to the request for reconsideration delivered to the Planning Department in accordance with this subsection.
 - b. Any person receiving a copy of the request for reconsideration pursuant to paragraph 2.a. of this Section, may file a written response to the request. Such response shall be submitted to the Planning Department within five (5) working days after the request letter was filed with the Planning Department.

c. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in Section 80.1 of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the request for reconsideration filed with the Planning Department pursuant to paragraph 1 of this Section.

3. Decision to Reconsider - Within ten (10) working days after receiving a request for reconsideration, the Hearing Examiner shall notify the person requesting the reconsideration and any person filing a written response to the request whether or not the Hearing Examiner will reconsider the decision. The Hearing Examiner may reconsider the decision only if he/she concludes that there is substantial merit in the request.
4. Effect - If the Hearing Examiner grants a request to reconsider any aspect of the decision, the City may not process any appeals of the decision until the Hearing Examiner issues his/her written decision on the reconsidered aspect.

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5. Process - If the Hearing Examiner reconsiders the decision, the provisions of Sections 30 through 65 of this Chapter will be followed except that--
 - a. The Hearing Examiner may limit the reconsideration by--
 - 1) Limiting the persons who may participate in the reconsideration to the persons who have a right to appeal the decision;
 - 2) Limiting the aspects of the decision that will be reconsidered; and
 - 3) Limiting the nature of the reconsideration by only receiving written comments and by not holding a new public hearing.

Any limitations will be included in the notice given under Section 30 of this Chapter; and

- b. If the Hearing Examiner limits the persons who may participate in the reconsideration under paragraph 4.a.1. of this Section, the Planning Official shall send notice under Section 30 of this Chapter only to those persons. In all other cases, the Planning Official shall send this notice to the persons described in paragraph 4.a. 1) of this Section in addition to the persons described in Section 30.2.a and b of this Chapter.

150.80 Appeals

1. Who May Appeal - The decision of the Hearing Examiner may be appealed by--
 - a. The applicant; and
 - b. Any person who submitted written or oral comments to the Hearing Examiner.
2. Time to Appeal/How to Appeal - The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within ten (10) working days following the day the Hearing Examiner's written decision was postmarked for distribution. distributed. It must contain--
 - a. A clear reference to the matter being appealed; and
 - b. A statement of the specific factual findings and conclusions of the Hearing Examiner disputed by the person filing the appeal.

3. Notice of Appeal -

a. Any person filing an appeal shall, prior to delivery of the letter of appeal to the Planning Department, mail or personally deliver copy of such appeal letter and a notice of the deadline for responding to the appeal as established in paragraph 3.b. of this Section to those persons described in subsection 150.80.2 above paragraph 2. of this Section. Proof of service by mail or personal delivery shall be, by affidavit, attached to the copy of the appeal letter delivered to the Planning Department pursuant to this subsection.

b. Any person receiving a copy of the letter of appeal pursuant to paragraph 3.a. of this Section, may file a written response to the letter of appeal. Such response shall be submitted to the Planning Department within five (5) working days after the appeal letter was filed with the Planning Department.

c. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in paragraph 1 of this Section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the letter of appeal filed with the Planning Department pursuant to subsection 150.80.2 above.

4. Fee - The person filing the appeal shall include with the letter of appeal the fee established by ordinance.

5. Request to Reconsider Not Required - The decision of the Hearing Examiner may be appealed whether or not there was a request for the Hearing Examiner to reconsider the decision.

6. Jurisdiction - Appeals from the decision of the Hearing Examiner will be heard by City Council.

150.85 Notice of the Appeal Hearing

1. Contents - The Planning Official shall prepare a notice of the appeal containing the following:

a. The file number and a brief verbal description of the matter being appealed.

- b. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.
 - c. The time and place of the public hearing on the appeal before City Council.
 - d. A statement of who may participate in the appeal.
 - e. A statement of how to participate in the appeal.
2. Distribution - At least fourteen (14) calendar days before the hearing on the appeal, the Planning Official shall send a copy of this notice to each person entitled to appeal the decision under Section 80.1 of this Chapter.

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150.90 Participation in the Appeal

Only those persons entitled to appeal the decision under Section 80.1 of this Chapter may participate in the appeal. These persons may participate in either or both of the following ways:

1. By submitting written comments to the City Council either by delivering these comments to the Planning Department prior to the hearing or by giving these directly to the Council at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments directly to the City Council. The Council may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

150.95 Scope of the Appeal

The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal and City Council may only consider comments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner.

150.100 Staff Report on the Appeal

1. Contents - The Planning Official shall prepare a staff report on the appeal containing the following:
 - a. The staff report prepared for the public hearing before the Hearing Examiner.
 - b. The written decision of the Hearing Examiner.
 - c. All written comments submitted to the Hearing Examiner.
 - d. A summary of the comments and discussion at the hearing of the Hearing Examiner and a statement of the availability of the electronic sound recording of the hearing.
 - e. The letter of appeal.
 - f. All written comments received by the Planning Department from persons entitled to participate in the appeal and within the scope of the appeal.
 - g. An analysis of the specific factual findings and conclusions disputed in the letter of appeal.

2. Distribution - The Planning Official shall distribute copies of the staff report as follows:
 - a. Prior to the hearing, a copy will be sent to each member of the City Council.
 - b. At least seven (7) calendar days before the hearing, a copy will be sent to:
 - 1) the applicant;
 - 2) the person who filed the appeal; and
 - 3) A copy will be sent to any person who received a copy of the Director's-
Hearing Examiner's decision.

150.105 Public Hearing

1. Hearing in General - City Council shall hold a public hearing on the appeal.
2. Hearing Declared Open - The hearings of the City Council are open to the public.

150.110 Electronic Sound Recordings

City Council shall make a complete electronic sound recording of each hearing.

150.115 Burden of Proof

The person filing the appeal has the responsibility of convincing the City Council that the Hearing Examiner made an incorrect decision because of erroneous findings of fact or conclusions.

150.120 Continuation of the Hearing

City Council may continue the hearing if, for any reason, they are unable to hear all of the public comments on the appeal or if City Council determines that they need more information within the scope of the appeal. If, during the hearing, the time and place of the next public hearing on the matter is announced, no further notice of that hearing need be given.

150.125 Decision on the Appeal

After considering all comments within the scope of the appeal submitted by persons entitled to participate in the appeal, City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

5. Effect - The decision of City Council is the final decision of the City.

150.130 Judicial Review

The action of the City in granting or denying an application under this Chapter may be reviewed for illegal, corrupt or arbitrary or capricious action in the King County Superior Court. The petition for review must be filed within thirty (30) calendar days of the final decision of the City.

150.135 Lapse of Approval

1. The applicant must begin or submit to the City a complete Building Permit application for the development activity, use of land or other actions approved under this Chapter within one (1) year after the final decision on the matter, or this the decision becomes void. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this Chapter and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this Chapter and made a condition of the Notice of Approval.

2. Time Extension

a. Application

The applicant may apply for a one time extension of up to one (1) year by submitting a letter to the Planning Department, along with any other supplemental documentation, which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and that circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

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An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

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392A

152.25 Official File

1. Contents - The Planning Official shall compile an official file on the application containing the following:
 - a. All application materials submitted by the applicant.
 - b. The staff report.
 - c. All written comments received on the matter.
 - d. The electronic recording of the public hearing on the matter.
 - e. The recommendation of the Hearing Examiner.
 - f. The electronic sound recording and minutes of the City Council proceedings on the matter.
 - g. The decision of City Council.
 - h. If the matter is within the designated jurisdiction of the Houghton Community Council, the electronic sound recording and minutes of its proceedings on the matter, along with action of that Council.
 - j. Any other information relevant to the matter.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

152.30 Notice

1. Contents - The Planning Official shall prepare a notice of each application containing the following information:
 - a. The name of the applicant and, if applicable, the project name.
 - b. The street address of the subject property, or if this is not available, a locational description in non-legal language along with a vicinity map that identifies the subject property.

- c. The citation of the provision of this Code describing the applied for decision.
- d. A brief verbal description of the requested decision.
- e. The time and place of the public hearing.
- f. A statement of the availability of the official file.
- g. A statement of the right of any person to submit written comments to the Hearing Examiner and to appear at the public hearing of the Hearing Examiner to give comments orally.
- h. A statement that only persons who submit written or oral comments to the Hearing Examiner may challenge the recommendation of the Hearing Examiner.

2. Distribution

- a. The Planning Official shall distribute this notice at least fourteen (14) calendar days before the public hearing as follows:
 - a. 1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. 2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - c. 3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- d. ~~At least three copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.~~

- e. 4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

b. Public Notice Sign - The applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:

- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
- 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
- 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.
- 4) The applicant shall post a bond pursuant to Chapter 175 of this Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.
- 5) The signs shall be removed within seven (7) calendar days after the final public hearing.

1. Contents - The Planning Official shall prepare a staff report containing the following information:
 - a. All pertinent application materials.
 - b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.
 - c. An analysis of the application in relation to the applicable provisions of this Code and the Comprehensive Plan.
 - d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.
 - e. A recommendation on the matter.
2. Distribution - At least seven (7) calendar days before the hearing, the Planning Official shall distribute the staff report as follows:
 - a. A copy will be sent to the Hearing Examiner
 - b. A copy will be sent to the applicant.

152.40 Houghton Community Council Hearing

1. General - If the application is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may hold a public hearing prior to the Hearing Examiner hearing on the matter.
2. Notice - The Planning Official shall give public notice of the hearing as set forth in Section 152.30 of this Code.
3. Distribution to Houghton Community Council - If the Houghton Community Council holds a hearing on the matter, the Planning Official shall, prior to the Community Council hearing, distribute the staff report as follows:
 - a. A copy will be sent to each member of the Community Council.
 - b. A copy will be sent to the applicant.

- ~~3.~~ Recommendation - Upon consideration of the information presented, the Houghton Community Council may, by a majority vote of the entire membership of the Community Council, make a recommendation on the matter. The Planning Official shall present the Community Council's recommendation to the Hearing Examiner before the Hearing Examiner makes his/her recommendation to the City Council.
- ~~4.~~ Electronic Sound Recording - The Community Council shall make a complete electronic sound recording of each public hearing.
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397A

1. General - After considering all of the information and comments submitted on the matter, the Hearing Examiner shall issue a written recommendation to the City Council to either--

- a. Grant the application; or
- b. Modify and grant the application; or
- c. Deny the application.

If the Hearing Examiner will issue the recommendation more than ten (10) working working days after the public hearing, he/she shall state in writing or on the record, the reason for the delay and the approximate date of issuing the recommendation. In no event may the Hearing Examiner take more than twenty (20) working days after the public hearing to issue his/her recommendation unless agreed to by the applicant.

2. Decisional Criteria - The Hearing Examiner shall use the criteria listed in the provision of this Code describing the requested decision in making a recommendation to City Council on the application. In addition, the Hearing Examiner may recommend that the application be granted only if:

- a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
- b. It is not inconsistent with any specific provision of consistent with all applicable Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
- c. It is consistent with the public health, safety and welfare.

3. Conditions and Restrictions - The Hearing Examiner shall include in the written recommendation any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application.

4. Contents - The Hearing Examiner shall include the following in his/her written recommendation to City Council--

- a. A statement of facts presented to the Hearing Examiner that support his/her recommendation, including any conditions and restrictions that are recommended; and

- b. A statement of the Hearing Examiner's conclusions based on those facts.
- c. A statement of the criteria used by the Hearing Examiner in making the recommendation.
- f. A summary of the rights, as established in this Chapter, of the applicant and others to challenge the recommendation of the Hearing Examiner.

152.75 Distribution of Hearing Examiner's Recommendation

The Planning Official shall distribute copies of the recommendation of the Hearing Examiner as follows:

1. Within two (2) working days after the Hearing Examiner's written recommendation is issued, a copy will be sent to the applicant, and to any person who submitted written or oral comments to the Hearing Examiner.
2. Prior to the meeting where City Council considers the application, a copy will be sent to each member of City Council. The Planning Official shall include the following material with the copy of the recommendation sent to each City Council member:
 - a. A draft resolution or ordinance that embodies the Hearing Examiner's recommendation.
 - b. Any challenge to the Hearing Examiner's recommendation filed under Section 85 of this Chapter and received by the Planning Department before the Hearing Examiner's recommendation is sent to the members of City Council.

152.80 Request for Reconsideration

1. General - Any person who has a right to challenge a recommendation of the Hearing Examiner under Section 85 of this Chapter may request the Hearing Examiner to reconsider any aspects of his/her recommendation by delivering a written request for reconsideration to the Planning Department within five (5) working days following the day of when the Hearing Examiner's written recommendation was postmarked for distribution. The person requesting the reconsideration shall specify in the request what aspect of the recommendation he/she wishes to have reconsidered and the reason for the request.

2. Notice of Request -

a. The person requesting reconsideration shall, within the same time limit established in paragraph 1. of this Section above, mail or personally deliver a copy of the request for reconsideration and a notice of the deadline for responding to the request for reconsideration as established in paragraph 2.b. of this Section to those persons described in Section 85.1 of this Chapter. Proof of such mail or personal delivery shall be made by affidavit. The affidavit of mailing and/or personal delivery shall be attached to the request for reconsideration, delivered to the Planning Department.

b. Any person receiving a copy of the request for reconsideration pursuant to paragraph 2.a of this Section, may file a written response to the request. Such response shall be submitted to the Planning Department within five (5) working days after the request letter was filed with the Planning Department.

c. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in Section 85.1 of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the request for reconsideration filed with the Planning Department pursuant to paragraph 1. of this Section.

3. Decision to Reconsider - Within ten (10) working days after receiving a request for reconsideration, the Hearing Examiner shall notify the person requesting the reconsideration and any person filing a written response to the request whether or not the Hearing Examiner will reconsider the recommendation. The Hearing Examiner may reconsider the recommendation only if he/she concludes that there is substantial merit in the request.

4. Effect - If the Hearing Examiner grants a request to reconsider any aspect of the recommendation, the matter will not be taken to City Council until the matter has been reconsidered as established in paragraph 4-5 of this Section.

5. Process - If the Hearing Examiner reconsiders the decision, the provision of Sections 30, 35 and 45 through 70-75 of this Chapter will be followed except that--

a. (The Hearing Examiner may) limit the reconsideration by--

- 1) Limiting the persons who may participate in the reconsideration to the persons who have a right to challenge the recommendation of the Hearing Examiner; and
- 2) Limiting the aspects of the decision that will be reconsidered; and
- 3) Limiting the nature of the reconsideration by only receiving written comments and by not holding a new public hearing.

Any limitations will be included in the notice given under Section 30 of this Chapter; and

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- b. (the Hearing Examiner (the persons who may participate in the reconsideration under paragraph 4.5.a.1) of this Section, the Planning Official shall send notice under Section 30 of this Chapter only to those persons. In all other cases, the Planning Official shall send this notice to the persons described in paragraph 4.5.a.1) of this Section in addition to the persons described in Section 30.2 of this Chapter.

152.85 Challenge to the Hearing Examiner's Recommendation

1. Who May Challenge - The recommendation of the Hearing Commission may be challenged by--
 - a. The applicant; and
 - b. Any person who submitted written or oral comments to the Hearing Examiner.
2. Contents of a Challenge - The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Hearing Examiner that are contested. The challenge will be considered only on the record developed in the hearing before the Hearing Examiner.
3. How and When to File a Challenge
 - a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within ten (10) working days following the day the Hearing Examiner's recommendation was post-marked for distribution.
 - b. The person filing the challenge shall, prior to delivery under subsection-85.3-a, paragraph 3.a of this Section, mail or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge as established in paragraph 3.c of this Section to those persons described in subsection-85.1 paragraph 1. of this Section-of-this-Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the challenge letter filed with the Planning Department pursuant to subsection-85.3-a-above paragraph 3.a of this Section.
 - c. Any person receiving a copy of the challenge letter pursuant to subparagraph-85.3-b-above-paragraph 3.b of this Section, may file a written response to the challenge. Such response shall be submitted to the Planning Department not-less-than within five (5) working days after the day the challenge letter was filed with the Planning Department.

- d. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in subsection 85.1-paragraph 1 of this Chapter. Section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning Department pursuant to subsection 85.3.a above.

4. Request to Reconsider Not Required - The recommendation of the Hearing Examiner may be challenged whether or not there was a request for the Hearing Examiner to reconsider his/her recommendation.

152.90 City Council Action

1. General - The City Council shall consider the application at a scheduled meeting within ninety (90) calendar days of the date of issuance of the Hearing Examiner's recommendations on the proposal. This time period may be extended upon written concurrence of the Planning Director and the applicant.
2. City Council Decision - After consideration of the entire matter on the record before the Hearing Examiner, the City Council shall, by motion, approved by a majority of the total membership, take one of the following actions:
 - a. Adopt an ordinance or resolution to either--
 - 1) Grant the application; or
 - 2) Modify and grant the application; or
 - 3) Deny the application.
 - b. If the City Council concludes that significant issues have been raised in a challenge or if they are unsatisfied with the Hearing Examiner's recommendation for any other reason, they may by motion either direct the Hearing Examiner to hold a rehearing on the matter or decide to hold a City Council hearing on the matter. The motion may limit the scope of the issues to be considered at this rehearing or City Council hearing.

3. Decisional Criteria - The City Council shall use the criteria listed in the provision of this Code describing the requested decision in deciding upon the application. In addition, the City Council may approve the application only if:
 - a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - b. ~~It is not inconsistent with any specific provisions of~~ consistent with all applicable Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.
4. Condition and Restriction - The City Council shall include in the ordinance or resolution granting the application any conditions and restrictions they determine are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.
5. Findings of Fact and Conclusion - The City Council shall include in their ordinance or resolution:
 - a. A statement of the facts presented to City Council that support the decision, including any conditions and restrictions that they impose; and
 - b. The City Council's conclusions based on those facts.
6. Effect - Subject to the provision of Sections 95 and 100 of this Chapter, the ordinance or resolution of City Council is the final decision of the City.

152.95 Procedures for Rehearing and City Council Hearing

If the Hearing Examiner holds a rehearing on the matter, the provisions of Sections 30, 35, and 45 through 75-70 of this Chapter will be followed except that the City Council may limit the matters to be considered at the Hearing Examiner's rehearing. Any limitation will be stated in the notice of the hearing under Section 30 of this Chapter.

If City Council holds a hearing on the matter, the provisions of Sections 30, 35 and 45 through 70-75 of this Chapter will be followed except--

- a. City Council may limit the matters to be considered at the City Council hearing. If this occurs, this limitation will be stated in the notice of the hearing under Section 30 of this Chapter; and
- b. Under Section 70 of this Chapter, City Council shall issue a decision rather than a recommendation. This decision is the final decision of the City subject to Sections 75 and 100 of this Chapter.

152.100 Jurisdiction of the Houghton Community Council

1. General - If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until--
 - a. A majority of the entire membership of the Houghton Community Council vote by resolution to approve it; or
 - b. The Houghton Community Council fails to disapprove it within sixty (60) calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by a majority of the entire membership of the Community Council.

152.105 Notice of Final Decision

1. General - Following the final decision by City Council, or if applicable, the Houghton Community Council, the Planning Official shall prepare a notice of the City's final decision on the application.
2. Distribution - Within two (2) working days after the City Council's decision is made, the Planning Official shall distribute a copy of the notice of the decision as follows:
 - a. A copy will be sent to the applicant.
 - b. A copy will be sent to any person who submitted written or oral comments to the Hearing Examiner.

The action of the City in granting or denying an application under this Chapter may be reviewed for illegal, corrupt or arbitrary or capricious action in the King County Superior Court. The petition for review must be filed within thirty (30) calendar days of the final decision of the City.

152.115 Lapse of Approval

1. The applicant must begin or submit to the City a complete Building Permit application for the development activity, use of land or other actions approved under this Chapter within one (1) year after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this Chapter and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this Chapter and made a condition of the Notice of Approval.

2. Time Extensiona. Application

The applicant may apply for a one time extension of up to one (1) year by submitting a letter to the Planning Department, along with any other supplemental documentation which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process

An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.
- b. How To Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.

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- i. If the matter is within the disapproval jurisdiction of the Houghton Community Council, the electronic sound recording and minutes of its proceedings on the matter, along with the recommendations of that Council.
 - j. Any other information relevant to the matter.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

155.30 Notice

1. Contents - The Planning Official shall prepare a notice of each application containing the following information:
 - a. The name of the applicant and, if applicable, the project name.
 - b. The street address of the subject property, or if this is not available, a locational description in non-legal language along with a vicinity map that identifies the subject property.
 - c. The citation of the provision of this Code describing the applied for decision.
 - d. A brief verbal description of the requested decision.
 - e. The time and place of the public hearing.
 - f. A statement of the availability of the official file.
 - g. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing of the Planning Commission to give comments orally.
 - h. A statement that only persons who submit written or oral comments to the Planning Commission may challenge the recommendation of the Planning Commission.
2. Distribution
 - a. The Planning Official shall distribute this notice at least fourteen (14) calendar days before the public hearing as follows:

- a. 1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
- b. 2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
- c. 3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- d. ~~At least 3 copies of the notice, including a vicinity map, will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.~~
- e. 4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

b. Public Notice Sign - The applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:

- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
- 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
- 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

- 4) The applicant shall post a bond pursuant to Chapter 175 of this Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.
- 5) The signs shall be removed within seven (7) calendar days after the final public hearing.

155.35 Staff Report

1. Contents - The Planning Official shall prepare a staff report containing the following information:
 - a. All pertinent application materials,
 - b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.
 - c. An analysis of the application in relation to the applicable provisions of this Code and the Comprehensive Plan.
 - d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.
 - e. A recommendation on the matter.
2. Distribution in General - At least seven (7) calendar days before the hearing, the Planning Official shall distribute the staff report as follows:
 - a. A copy will be sent to each member of the Planning Commission.
 - b. A copy will be sent to the applicant.

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155.40 Distribution to Houghton Community Council --- If the Houghton Community Council holds a hearing on the matter, the Planning Official shall, prior to the Community Council hearing, distribute the staff report as follows:

- a. A copy will be sent to each member of the Community Council.
- b. A copy will be sent to each person specified in paragraph 2.b. and 2.c. of this section.

155.40 Houghton Community Council Hearing

1. General - If the application is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may hold a public hearing prior to, or concurrently with, the Planning Commission hearing on the matter.
2. Notice - The Planning Official shall give public notice of the Community Council hearing as set forth in Section 155.30 of this Code.
3. Distribution to Houghton Community Council --- If the Houghton Community Council holds a hearing on the matter, the Planning Official shall, prior to the Community Council hearing, distribute the staff report as follows:
 - a. A copy will be sent to each member of the Community Council.
 - b. A copy will be sent to the applicant.
4. 3. Recommendation - Upon consideration of the information presented, the Houghton Community Council may, by a majority vote of the entire membership of the Community Council, make a recommendation on the matter. The Planning Official shall present the Community Council's recommendation to the Planning Commission before the Planning Commission makes its recommendation to City Council.
5. 4. Electronic Sound Recording - The Community Council shall make a complete electronic sound recording of each public hearing.

155.45 Public Hearing

1. General - The Planning Commission shall hold a public hearing on each application.

2. Hearing Declared Open - The hearings of the Planning Commission are open to the public.
3. Effect - The hearing of the Planning Commission is the hearing for City Council. City Council need not hold another hearing on the application.

155.50 Electronic Sound Recording

The Planning Commission shall make a complete electronic sound recording of each hearing.

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Planning Commission. All other votes may be approved by a majority vote of the members present at the hearing.

3. Decisional Criteria - The Planning Commission shall use the criteria listed in the provision of this Code describing the requested decision in making a recommendation to City Council on the application. In addition, the Commission may recommend that the application be granted only if:
 - a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - b. ~~It is not inconsistent with any specific provisions of~~ consistent with all applicable Zoning Code regulations, including those adopted by reference from the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.
4. Conditions and Restrictions - The Planning Commission shall include in the motion containing its recommendation to City Council any conditions and restrictions that the Planning Commission determines are necessary to eliminate or minimize any undesirable effects of granting the application.
5. Findings of Fact and Conclusions - The Planning Commission shall include in the motion containing their recommendations to City Council--
 - a. A statement of the facts presented to the Planning Commission that support the Commission's recommendations, including any conditions and restrictions it has recommended; and
 - b. A statement of the Planning Commission's conclusions based on those facts.
6. If the Planning Commission Cannot Agree on a Recommendation - ~~If the Planning Commission is~~ unable to pass a motion containing a recommendation to City Council, the Planning Official shall notify City Council that the Planning Commission is unable to make a recommendation on the matter. City Council shall then take jurisdiction over the matter and hold a public hearing on it. If this occurs, the provisions of Sections 30 and 35 of this Chapter and Sections 45 through 115 of this Chapter will be followed in this hearing process, except that--
 - a. City Council will act as the Planning Commission; and

- b. City Council shall make () issue a decision rather than a recommendation under Sections 70 and 75 of this Chapter. This decision is the final decision of the City subject to a request for reconsideration, Section 80 of this Chapter and, subject to the jurisdiction of the Houghton Community Council, Section 100 of this Chapter.

- 7. Planning Commission Report - Within five (5) working days following the day the Planning Commission adopts its recommendation, the Planning Official shall prepare a written report containing the Planning Commission's recommendation to the City Council. If applicable, the Planning Official shall include in the report the recommendations of the Houghton Community Council. The report shall be signed by the Chairman of the Planning Commission or his/her designate before distribution.

155.75 Distribution of Planning Commission's Report Recommendation

The Planning Official shall distribute copies of the report of the Planning Commission as follows:

- 1. Within two (2) working days following the date the Planning Commission issues its written recommendation, a copy will be sent to the applicant, and to any person who submitted written or oral comments to the Planning Commission.
- 2. Prior to the meeting where City Council considers the application, a copy will be sent to each member of City Council. The Planning Official shall include the following material with the copy of the Planning Commission report sent to each City Council member:
 - a. A draft resolution or ordinance that embodies the Planning Commission's recommendation.
 - b. Any challenge to the Planning Commission's recommendation filed under Section 85 of this Chapter and received by the Planning Department before the Planning Commission report is sent to the members of City Council.

1. General - Any person who has a right to file a challenge to the recommendation of the Planning Commission under Section 85 of this Chapter may request the Planning Commission to reconsider any aspects of its recommendation by delivering a written request for reconsideration to the Planning Department within five (5) working days following the postmarked date of distribution of the Planning Commission recommendation. The person requesting the reconsideration shall specify in the request what aspect of the recommendation he/she wishes to have reconsidered and the reason for the request.
2. Notice of Request -
 - a. The person requesting reconsideration shall, within the same time limit established in paragraph 1. of this Section, mail or personally deliver a copy of the request for reconsideration and a notice of the deadline for responding to the request for reconsideration, as established in paragraph 2.b of this Section to those persons described in Section 85.1 of this Chapter. Proof of such mail or personal delivery shall be made by affidavit. The affidavit of mailing and/or personal delivery shall be attached to the request for reconsideration delivered to the Planning Department.
 - b. Any person receiving a copy of the request for reconsideration pursuant to paragraph 2.a. of this Section, may file a written response to the request. Such response shall be submitted to the Planning Department within five (5) working days after the request letter was filed with the Planning Department.
 - c. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in Section 85.1 of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the request for reconsideration filed with the Planning Department, pursuant to paragraph 1. of this Section.

3. Decision to Reconsider - Within ten (10) working days after receiving a request for reconsideration, the Planning Official shall notify the person filing the request and any person filing a written response to the request of the decision of the Chairperson of the Planning Commission whether or not the Planning Commission will reconsider its recommendation.
4. Effect - If the Chairperson of the Planning Commission grants a request to reconsider any aspect of the recommendation, the matter will not be taken to City Council until the matter has been reconsidered as established in paragraph 5 of this Section.
5. Process - If the Planning Commission reconsiders the recommendations, the provisions of Sections 30, 35, 45 through ~~75-70 and 80~~ of this Chapter will be followed except that--
 - a. The Chairperson of the Planning Commission may limit the aspects of the recommendation that will be reconsidered. Any limitation on the aspects to be reconsidered will be included in the notice under Section 30 of this Chapter; and

- b. In addition to the distribution of notice under Section 30 of this Chapter, the Planning Official shall send notice of the reconsideration to each person entitled to file a challenge to the Planning Commission's recommendation under Section 85 of this Chapter.

155.85 Challenge to the Planning Commission's Recommendation

1. Who May Challenge - The recommendation of the Planning Commission may be challenged by--
 - a. The applicant; and
 - b. Any person who submitted written or oral comments to the Planning Commission.
2. Contents of a Challenge - The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Planning Commission that are contested. The challenge will be considered only on the record developed in the hearing before the Planning Commission.
3. How and When to File a Challenge -
 - a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within ten (10) working days following the day the Planning Commission's recommendation was distributed, postmarked for distribution.
 - b. The person filing the challenge shall, prior to delivery under subsection 85.3.a-paragraph 3.a. of this Section, mail or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge, as established in paragraph 3.1. of this Section, to those persons described in subsection 85.1-paragraph 3.c. of this Section. of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the challenge letter filed with the Planning Department pursuant to paragraph 3.a. of this Section. subsection 85.3.a-above.
 - c. Any person receiving a copy of the challenge letter pursuant to paragraph 3.b. of this Section subparagraph 85.3.b-above, may file a written response to the challenge. Such response shall be submitted to the Planning Department not less than within five (5) working days after the Challenge letter is distributed, was filed with the Planning Department

- d. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in subSection 85.1 of this Chapter. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning Department pursuant to subSection paragraph 85.3.a above.

4. Request to Reconsider Not Required - The recommendation of the Planning Commission may be challenged whether or not there was a request for the Planning Commission to reconsider the recommendation.

155.90 City Council Action

1. General - The City Council shall consider the application at a scheduled meeting within ninety (90) calendar days following the date on which the Planning Commission makes its final recommendations on the proposal. This time period may be extended upon written concurrence of the Planning Director and the applicant.
2. City Council Decision - After consideration of the entire matter on the record before the Planning Commission, the City Council shall, by motion approved by a majority of its total membership, take one of the following actions:
 - a. Adopt an ordinance or resolution to either--
 - (1) Grant the application;
 - (2) Modify and grant the application; or
 - (3) Deny the application.
 - b. If the City Council concludes that significant issues have been raised in a challenge or if they are unsatisfied with the Planning Commission's recommendation for any other reason, they may by motion either direct the Planning Commission to hold a rehearing on the matter or decide to hold a City Council hearing on the matter. The motion may limit the scope of the issues to be considered at this rehearing or City Council hearing.

The City Council shall use the criteria listed in the provisions of this Code describing the requested decision in deciding upon the application. In addition, the City Council may approve the application only if:

- a. It is consistent with the intent of the goals and policies and of the applicable neighborhood plan provisions of the Comprehensive Plan;
 - b. It is not inconsistent with any specific provisions of the Comprehensive Plan; and
 - c. It is consistent with the public health, safety and welfare.
4. Condition and Restriction - The City Council shall include in the ordinance or resolution granting the application any conditions and restrictions they determine are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.
5. Findings of Fact and Conclusion - The City Council shall include in their motion--
- a. A statement of the facts presented to City Council that support the decision, including any conditions and restrictions that they impose; and
 - b. The City Council's conclusions based on those facts.
6. Effect - Subject to the provision of Section 100 of this Chapter, the ordinance or resolution of City Council is the final decision of the City.

155.95 Procedures for Rehearing and City Council Hearing

If the Planning Commission holds a rehearing on the matter, the provision of Sections 30, and 35, of this Chapter and Sections 45 through 75 of this Chapter will be followed except that the City Council may limit the matters to be considered at the Planning Commission rehearing. Any limitation will be stated in the notice of the hearing under Section 30 of this Chapter. If City Council holds a hearing on the matter, the provisions of Sections 30, and 35, of this Chapter and Sections 45 through 70 of this Chapter will be followed except--

- a. City Council may limit the matters to be considered at the City Council hearing. If this occurs, this limitation will be stated in the notice of the hearing under Section 30 of this Chapter; and
- b. Under Sections 70 and 80 of this Chapter, City Council shall issue a decision rather than a recommendation. This decision is the final decision of the City subject to Sections 75 and 100 of this Chapter.

155.100 Jurisdiction of the Houghton Community Council

- 1. General - If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until--
 - a. A majority of the entire membership of the Houghton Community Council vote by resolution to approve it; or
 - b. The Houghton Community Council fails to disapprove it within sixty (60) calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by a majority of the entire membership of the Community Council.

155.105 Notice of Final Decision

- 1. General - Following the final decision by City Council, or if applicable, the Houghton Community Council, the Planning Official shall prepare a notice of the City's final decision on the application.
- 2. Distribution - Within two (2) working days after the City Council's decision is made, the Planning Official shall distribute a copy of this notice as follows:
 - a. A copy will be sent to the applicant;
 - b. A copy will be sent to any person who submitted written or oral comments to the Planning Commission.

155.110 Judicial Review

The action of the City in granting or denying an application under this Chapter may be reviewed for illegal, corrupt or arbitrary or capricious action in the King County Superior Court. The petition for review must be filed within thirty (30) calendar days of the final decision of the City.

155.115 Lapse of Approval

1. The applicant must begin or submit to the City a complete Building Permit application for the development activity, use of land or other actions approved under this Chapter within one (1) year after the final decision on the matter or the decision becomes void. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this Chapter and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this Chapter and made a condition of the Notice of Approval.

2. Time Extensiona. Application

The applicant may apply for a one time extension of up to one (1) year by submitting a letter to the Planning Department, along with any other supplemental documentation which demonstrates that he/she is making substantial progress relative to the conditions listed on the Notice of Approval and circumstances beyond his/her control prevent timely compliance.

b. Fee

The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process

An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension may appeal that determination.

(Policies Plan and each legislative rezone proposal initiated by the Planning Commission. The City Council may request the Planning Department or any other department of the City, to provide any information or material on the proposal consistent with Section 60 of this Chapter.

- (2. Decision - Following its review, the City Council may decide that:
- 0-2804 (a. The proposal does not have merit and shall not be given further consideration; or
- (b. The proposal has merit and shall be considered by the Planning Commission at a public hearing.
- (c. The proposal shall be tabled.

160.35 Official File

1. Contents - The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

160.40 Notice

- 0-2804 (1. Contents - The Planning Official shall prepare a notice of hearing for each proposal for which a public hearing will be held. This notice shall contain the following information:
- a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
 - b. A statement of how the proposal would change the affected provision.
 - c. A statement of what areas, zones or locations will be directly affected or changed by the proposal.
 - d. The time and place of the public hearing.
 - e. A statement of the availability of the official file.

- f. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing before the Planning Commission to give comments orally.

2. Distribution

- a. The Planning Official shall distribute this notice at least 14 days before the public hearing as follows:
- a. 1) A copy of the notice will be published in the official newspaper of the City.
 - b. 2) A copy of the notice will be posted on each of the official notification boards of the City.
 - c. ~~If the proposal is to reclassify land on the Zoning Map, three or more copies of the notice will be conspicuously posted in the area affected by the proposed reclassification.~~
- b. Public Notice Signs - If the proposal is to reclassify land on the zoning map, the applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:
- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
 - 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
 - 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

(1) The applicant shall post a bond pursuant to Chapter 175 of this Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.

5) The signs shall be removed within seven (7) calendar days after the final public hearing:

160.45 Staff Report

1. General - The Planning Official shall prepare a staff report containing--
 - a. An analysis of the proposal and a recommendation on the proposal; and
 - b. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution - The Planning Official shall distribute the staff report as follows:
 - a. A copy will be sent to each member of the Planning Commission prior to the hearing.
 - b. A copy will be sent promptly to any person requesting it.
 - c. If applicable, a copy will be sent to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.50 Community Council Proceeding

1. General - If the proposal is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may consider the proposal at a meeting or hold a public hearing on it. The Houghton Community Council and the Planning Commission may hold joint meetings or public hearings on the proposal.

as it relates to pole signs extending over rights-of-way.

0-2848 { m. Any other non-conformance if the Planning Director concludes that the public interest in abating the non-conformance outweighs the detriment or loss to the owner or occupant of the property, and either:

1) Immediate abatement is necessary to fulfill a specific adopted policy of the City; or

2) The non-conformance is causing distinct and identifiable harm to adjacent property, the neighborhood in which it exists, or the City as a whole.

2. Abatement - The City may immediately abate any Non-conformance listed in Section 162.25.1 using the provisions of Sections 170.25 through 170.40 of this Code, or any other abatement process lawfully available to the City.

162.30 Special Provision for Damaged Improvements

1. If a non-conforming improvement is damaged by sudden, accidental cause and the damage does not exceed 50% of the assessed or appraised value of that improvement, whichever is greater, the applicant may reconstruct that improvement. The reconstructed improvement may not be more non-conforming than it was immediately prior to the damage. A Building Permit to rebuild the non-conforming improvement must be applied for within 6 months or the nonconformance shall be considered to be terminated and shall not be resumed.

0-2848

2. If the damage exceeds 50% of the assessed or appraised value of the improvement, whichever is greater, the improvement, the use conducted in or on the improvement, and other site improvements that support the damaged improvement must conform to this Code.

3. The provisions of paragraphs 1 and 2 of this section are superceded by any specific provision of Section 162.35.

162.35 Certain Non-Conformances Specifically Regulated

1. General - Paragraphs 2 through 8 of this Section specify when and under what circumstances certain

non-conformances must be corrected. If a non-conformance must be corrected under this section, the applicant must submit all information necessary for the City to review the correction as part of the application for any development permit. In addition, the City will not issue a certificate of zoning compliance or permit occupancy until the correction is made.

O-2848 (If Section 25 of this Chapter applies to a specific non-conformance, then the provisions of this Section do not apply to that same non-conformance.

2. Non-Conforming Use

a. For the purpose of determining a non-conforming use, the word "use" refers to the specific activity being conducted and not the definition of use set forth in Section 5.10.955. A non-conforming use may be continued by successive owners or tenants.

b. Any non-conforming use except for a detached dwelling unit must be brought into conformance or discontinued if--

1) The applicant is making a structural alteration or increasing the gross floor area of any structure that houses or supports the non-conforming use; or

2) The non-conforming use has ceased for 90 or more consecutive days.

3) The non-conforming use is replaced by another use; the City may allow a change from one non-conforming use to another such use if, through Process IIA, the City determines that the proposed new use will not be more non-conforming and will have a less adverse affect on the neighborhood than does the existing use.

3. Expansion or Modification of an Existing Use or Structure or the Addition of New Structures

If the expansion or modification of an existing use or structure or the addition of a new structure(s) requires review of the application by any one of the processes described in chapters 145 through 155 of this Code, the proposal shall be reviewed pursuant to such process; unless:

- 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

- a. 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.
- b. Existing parking stalls which conformed to the Code effective at the time of construction are not required to meet the parking area dimensional requirements of Chapter 180, Plates 1-8.

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.

432A

6856C/233A(2193C/81A)05-21-87:TS:dc

| | |
|-----------------|--|
| Plate 1 | One-Way Traffic - Standard Size Stall (8.5' x 18.5') |
| Plate 2 | Two-Way Traffic - Standard Size Stall (8.5' x 18.5') |
| Plate 3 | One-Way Traffic - Compact Stall (8' x 16') |
| Plate 4 | Two-Way Traffic - Compact Stall (8' x 16') |
| Plate 5 | One-Way Traffic - Standard Size Stall (8.5' x 18.5') (Dead-End Stall) |
| Plate 6 | Two-Way Traffic - Standard Size Stall (8.5' x 18.5') (Dead-End Stall) |
| Plate 7 | One-Way Traffic - Compact Stall (8.0' x 16.0') (Dead-End Stall) |
| Plate 8 | Two-Way Traffic - Compact Stall (8.0' x 16.0') (Dead-End Stall) |
| O-2729(Plate 8A | Parking Area Design Using Street For Circulation |
| Plate 9 | Signage Permitted - Linear Frontage 25'-1500' |
| Plate 10 | Intrusions into Required Setback Yards |

180.05 User Guide

To graphically display or explain a regulation, various provisions in this Code refer the user to particular plates. This Chapter contains those plates arranged numerically.

9579A

FEBRUARY, 1983 (Ordinance 2729)

PLATE 1

One-Way Traffic - Standard Size Stall (8.5' x 18.5')

| | Single Loaded Aisle | | | | | Double Loaded Aisle | | | | |
|---------------|---------------------|------|------|------|------|---------------------|------|------|------|------|
| Parking Angle | A | | B | | C | D | E | | F | |
| 0 | 8.5 | 18.5 | 16 | 27.0 | 23.5 | 8.5 | 16 | 18.5 | 32 | 35.5 |
| 30 | 9.5 | 18.5 | 16 | 28.0 | 24.5 | 9.5 | 16 | 18.5 | 34 | 37.5 |
| 35 | 10.0 | 18.5 | 16 | 28.5 | 25.0 | 10.0 | 16 | 18.5 | 35 | 38.5 |
| 40 | 11.0 | 18.5 | 16 | 29.5 | 26.0 | 11.0 | 16 | 18.5 | 37 | 40.5 |
| 45 | 12.0 | 18.5 | 16 | 30.5 | 27.0 | 12.0 | 16 | 18.5 | 39 | 42.5 |
| 50 | 13.0 | 18.5 | 16 | 31.5 | 28.0 | 13.0 | 16 | 18.5 | 41 | 44.5 |
| 55 | 14.0 | 18.5 | 16 | 32.5 | 29.0 | 14.0 | 16 | 18.5 | 43 | 46.5 |
| 60 | 15.0 | 18.5 | 16 | 33.5 | 30.0 | 15.0 | 16 | 18.5 | 45 | 48.5 |
| 65 | 16.0 | 19.5 | 16 | 35.5 | 32.0 | 16.0 | 16 | 19.5 | 48 | 51.5 |
| 70 | 16.5 | 20.0 | 16.5 | 36.5 | 33.0 | 16.5 | 16.5 | 20.0 | 49.5 | 53.0 |
| 75 | 17.0 | 20.5 | 17.0 | 37.5 | 34.0 | 17.0 | 17 | 20.5 | 51 | 54.5 |
| 80 | 17.5 | 21.0 | 17.5 | 38.5 | 35.0 | 17.5 | 17.5 | 21.0 | 52.5 | 56.0 |
| 85 | 18.0 | 21.5 | 18.0 | 39.5 | 36.0 | 18.0 | 18.0 | 21.5 | 54 | 57.5 |
| 90 | 18.5 | 22.0 | 18.5 | 40.5 | 37.0 | 18.5 | 18.5 | 22.0 | 55.5 | 59.0 |

PLATE 2

Two-Way Traffic - Standard Size Stall (8.5' x 18.5')

| Parking Angle | Single Loaded Aisle | | | | Double Loaded Aisle | | | |
|------------------|---------------------|----|----|-----------|---------------------|----|----|---------|
| | A | B | | C | D | E | | F |
| 0 | 8.5 | 24 | 20 | 32.5 28.5 | 8.5 | 20 | 24 | 37.0 41 |
| 30 | 9.5 | 24 | 20 | 33.5 29.5 | 9.5 | 20 | 24 | 39.0 43 |
| 35 | 10.0 | 24 | 20 | 34.0 30.0 | 10.0 | 20 | 24 | 40.0 44 |
| 40 | 11.0 | 24 | 20 | 35.0 31.0 | 11.0 | 20 | 24 | 42.0 46 |
| 45 | 12.0 | 24 | 20 | 36.0 32.0 | 12.0 | 20 | 24 | 44.0 48 |
| 50 | 13.0 | 24 | 20 | 37.0 33.0 | 13.0 | 20 | 24 | 46.0 50 |
| 55 | 14.0 | 24 | 20 | 38.0 34.0 | 14.0 | 20 | 24 | 48.0 52 |
| 60 | 15.0 | 24 | 20 | 39.0 35.0 | 15.0 | 20 | 24 | 50.0 54 |
| 65 | 16.0 | 24 | 20 | 40.0 36.0 | 16.0 | 20 | 24 | 52.0 56 |
| 70 | 16.5 | 24 | 20 | 40.5 36.5 | 16.5 | 20 | 24 | 53.0 57 |
| 75 | 17.0 | 24 | 20 | 41.0 37.0 | 17.0 | 20 | 24 | 54.0 58 |
| 80 | 17.5 | 24 | 20 | 41.5 37.5 | 17.5 | 20 | 24 | 55.0 59 |
| 85 | 18.0 | 24 | 20 | 42.0 38.0 | 18.0 | 20 | 24 | 56.0 60 |
| 90 | 18.5 | 24 | 20 | 42.5 38.5 | 18.5 | 20 | 24 | 57.0 61 |

PLATE 3

One-Way Traffic - Compact Stall (8' x 16')

| Parking Angle | Single Loaded Aisle | | | Double Loaded Aisle | | |
|------------------|---------------------|-------|-------|---------------------|-------|-------|
| | A | B | C | D | E | F |
| 0 | 8 | 17 15 | 25 23 | 8 | 15 17 | 31 33 |
| 30 | 8 | 17 15 | 25 23 | 8 | 15 17 | 31 33 |
| 35 | 9 | 17 15 | 26 24 | 9 | 15 17 | 33 35 |
| 40 | 10 | 17 15 | 27 25 | 10 | 15 17 | 35 37 |
| 45 | 11 | 17 15 | 28 26 | 11 | 15 17 | 37 39 |
| 50 | 12 | 17 15 | 29 27 | 12 | 15 17 | 39 41 |
| 55 | 13 | 17 15 | 30 28 | 13 | 15 17 | 41 43 |
| 60 | 13 | 17 15 | 30 28 | 13 | 15 17 | 41 43 |
| 65 | 14 | 17 15 | 31 29 | 14 | 15 17 | 43 45 |
| 70 | 15 | 17 15 | 32 30 | 15 | 15 17 | 45 47 |
| 75 | 15 | 17 15 | 32 30 | 15 | 15 17 | 45 47 |
| 80 | 16 | 18 16 | 34 32 | 16 | 16 18 | 48 50 |
| 85 | 16 | 18 16 | 34 32 | 16 | 16 18 | 48 50 |
| 90 | 16 | 18 16 | 34 32 | 16 | 16 18 | 48 50 |

Two-Way Traffic - Compact Stall (8' x 16')

Single Loaded Aisle

| Parking Angle | A | B | C |
|---------------|----|----|----|
| 0 | 8 | 20 | 28 |
| 30 | 8 | 20 | 28 |
| 35 | 9 | 20 | 29 |
| 40 | 10 | 20 | 30 |
| 45 | 11 | 20 | 31 |
| 50 | 12 | 20 | 32 |
| 55 | 13 | 20 | 33 |
| 60 | 13 | 20 | 33 |
| 65 | 14 | 20 | 34 |
| 70 | 15 | 20 | 35 |
| 75 | 15 | 20 | 35 |
| 80 | 16 | 20 | 36 |
| 85 | 16 | 20 | 36 |
| 90 | 16 | 20 | 36 |

Double Loaded Aisle

| D | E | F |
|----|----|----|
| 8 | 20 | 36 |
| 8 | 20 | 36 |
| 9 | 20 | 38 |
| 10 | 20 | 40 |
| 11 | 20 | 42 |
| 12 | 20 | 44 |
| 13 | 20 | 46 |
| 13 | 20 | 46 |
| 14 | 20 | 48 |
| 15 | 20 | 50 |
| 15 | 20 | 50 |
| 16 | 20 | 52 |
| 16 | 20 | 52 |
| 16 | 20 | 52 |

9305A

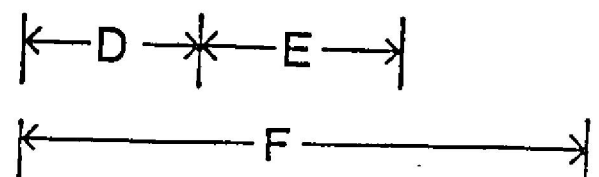
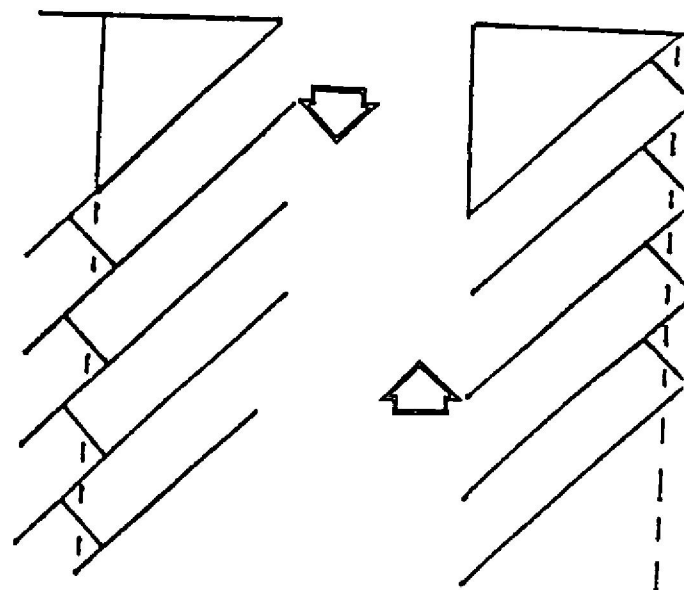
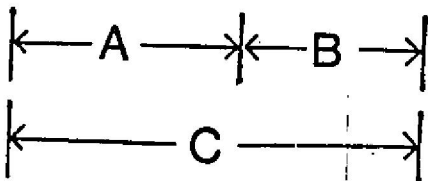
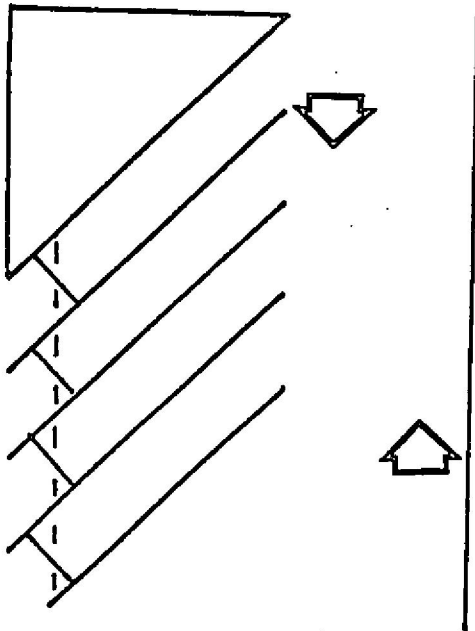


PLATE 5

One-Way Traffic - ~~Regular~~ Standard Size Stall (8.5' x 18.5')

Dead-End Stall

| Parking Angle | Single Loaded-Stalls <u>Aisle</u> | | | | | Double Loaded-Stalls <u>Aisle</u> | | | | |
|------------------|-----------------------------------|------|------|------|------|-----------------------------------|------|------|------|------|
| | A | | B | | C | D | E | | F | |
| 0 | | 8.5 | 18.5 | 15 | 27.0 | 23.5 | 8.5 | 15 | 18.5 | 32 |
| 30 | 9.5 | 17.0 | 18.5 | 15 | 28.0 | 32 | 17.0 | 9.5 | 18.5 | 49 |
| 35 | 10.0 | 18.0 | 18.5 | 15 | 28.5 | 33 | 18.0 | 10.0 | 18.5 | 51 |
| 40 | 11.0 | 19.0 | 18.5 | 15 | 29.5 | 34 | 19.0 | 11.0 | 18.5 | 53 |
| 45 | 12.0 | 19.5 | 18.5 | 15 | 30.5 | 34.5 | 19.5 | 12.0 | 18.5 | 54 |
| 50 | 13.0 | 20.0 | 18.5 | 15 | 31.5 | 35 | 20.0 | 13.0 | 18.5 | 55 |
| 55 | 14.0 | 20.5 | 18.5 | 15 | 32.5 | 35.5 | 20.5 | 14.0 | 18.5 | 56 |
| 60 | 15.0 | 21.0 | 18.5 | 15 | 33.5 | 36 | 21.0 | 15.0 | 18.5 | 57 |
| 65 | 16.0 | 21.0 | 19.5 | 16 | 35.5 | 37 | 21.0 | 16.0 | 19.5 | 58 |
| 70 | 16.5 | 21.0 | 20.0 | 16.5 | 36.5 | 37.5 | 21.0 | 16.5 | 20.0 | 58.5 |
| 75 | 17.0 | 20.5 | 20.5 | 17.0 | 37.5 | 37.5 | 20.5 | 17.0 | 20.5 | 58 |
| 80 | 17.5 | 20.0 | 21.0 | 17.5 | 38.5 | 37.5 | 20.0 | 17.5 | 21.0 | 57.5 |
| 85 | 18.0 | 20.0 | 21.5 | 18.0 | 39.5 | 38.0 | 20.0 | 18.0 | 21.5 | 58 |
| 90 | | 18.5 | 22.0 | 18.5 | 40.5 | 37.0 | 18.5 | | 22.0 | 55.5 |

PLATE 6

TWO-WAY TRAFFIC - ~~REGULAR~~ STANDARD SIZE STALL (8.5' x 18.5')

DEAD-END STALL

Single Loaded-Stalls AisleDouble Loaded-Stalls Aisle

| Parking Angle | A | | B | | C | | D | | E | | F | |
|------------------|------|------|----|----|------|------|------|------|----|----|----|----|
| 0 | | 8.5 | 24 | 20 | 32.5 | 28.5 | 8.5 | | 20 | 24 | 37 | 41 |
| 30 | 9.5 | 17.0 | 24 | 20 | 33.5 | 37 | 17.0 | 9.5 | 20 | 24 | 54 | 43 |
| 35 | 10.0 | 18.0 | 24 | 20 | 34.0 | 38 | 18.0 | 10.0 | 20 | 24 | 56 | 44 |
| 40 | 11.0 | 19.0 | 24 | 20 | 35.0 | 39 | 19.0 | 11.0 | 20 | 24 | 58 | 46 |
| 45 | 12.0 | 19.5 | 24 | 20 | 36.0 | 39.5 | 19.5 | 12.0 | 20 | 24 | 59 | 48 |
| 50 | 13.0 | 20.0 | 24 | 20 | 37.0 | 40 | 20.0 | 13.0 | 20 | 24 | 60 | 50 |
| 55 | 14.0 | 20.5 | 24 | 20 | 38.0 | 40.5 | 20.5 | 14.0 | 20 | 24 | 61 | 52 |
| 60 | 15.0 | 21.0 | 24 | 20 | 39.0 | 41 | 21.0 | 15.0 | 20 | 24 | 62 | 54 |
| 65 | 16.0 | 21.0 | 24 | 20 | 40.0 | 41 | 21.0 | 16.0 | 20 | 24 | 62 | 56 |
| 70 | 16.5 | 21.0 | 24 | 20 | 40.5 | 41 | 21.0 | 16.5 | 20 | 24 | 62 | 57 |
| 75 | 17.0 | 20.5 | 24 | 20 | 41.0 | 40.5 | 20.5 | 17.0 | 20 | 24 | 61 | 58 |
| 80 | 17.5 | 20.0 | 24 | 20 | 41.5 | 40 | 20.0 | 17.5 | 20 | 24 | 60 | 59 |
| 85 | 18.0 | 20.0 | 24 | 20 | 42.0 | 40 | 20.0 | 18.0 | 20 | 24 | 60 | 60 |
| 90 | | 18.5 | 24 | 20 | 42.5 | 38.5 | 18.5 | | 20 | 24 | 57 | 61 |

PLATE 7

ONE-WAY TRAFFIC - COMPACT STALL (8'-0" x 16'-0")

Dead-End Stall

Single Loaded-Stalls AisleDouble Loaded-Stalls AisleParking
Angle

| | A | B | C | D | E | F |
|----|---------|-------|---------|---------|-------|-------|
| 0 | 8.0 | 17 15 | 25 23 | 8.0 | 15 17 | 31 33 |
| 30 | 8 16.0 | 17 15 | 25 31 | 16.0 8 | 15 17 | 47 33 |
| 35 | 9 17.5 | 17 15 | 26 32.5 | 17.5 9 | 15 17 | 50 35 |
| 40 | 10 18.0 | 17 15 | 27 33 | 18.0 10 | 15 17 | 51 37 |
| 45 | 11 18.5 | 17 15 | 28 33.5 | 18.5 11 | 15 17 | 52 39 |
| 50 | 12 19.5 | 17 15 | 29 34.5 | 19.5 12 | 15 17 | 54 41 |
| 55 | 13 20.0 | 17 15 | 30 35 | 20.0 13 | 15 17 | 55 43 |
| 60 | 13 20.0 | 17 15 | 30 35 | 20.0 13 | 15 17 | 55 43 |
| 65 | 14 20.0 | 17 15 | 31 35 | 20.0 14 | 15 17 | 55 45 |
| 70 | 15 20.0 | 17 15 | 32 35 | 20.0 15 | 15 17 | 55 47 |
| 75 | 15 20.5 | 17 15 | 32 35.5 | 20.5 15 | 15 17 | 56 47 |
| 80 | 16 20.0 | 18 16 | 34 36 | 20.0 16 | 16 18 | 56 50 |
| 85 | 16 19.0 | 18 16 | 34 35 | 19.0 16 | 16 18 | 54 50 |
| 90 | 16 18.0 | 18 16 | 34 34 | 18.0 16 | 16 18 | 52 50 |

PLATE 8

TWO-WAY TRAFFIC - COMPACT STALL (8'-0" x 16'-0")

DEAD-END STALL

Single Loaded ~~Stalls~~ AisleDouble Loaded ~~Stalls~~ Aisle

| Parking Angle | A | B | C | D | E | F |
|------------------|----------------|----|----------------|----------------|----|--------------|
| 0 | 8-0 | 20 | 28 | 8 | 20 | 36 |
| 30 | 16-0 <u>8</u> | 20 | 36 <u>28</u> | 16-0 <u>8</u> | 20 | 52 <u>36</u> |
| 35 | 17-5 <u>9</u> | 20 | 37-5 <u>29</u> | 17-5 <u>9</u> | 20 | 55 <u>38</u> |
| 40 | 18-0 <u>10</u> | 20 | 38 <u>30</u> | 18-0 <u>10</u> | 20 | 56 <u>40</u> |
| 45 | 18-5 <u>11</u> | 20 | 38-5 <u>31</u> | 18-5 <u>11</u> | 20 | 57 <u>42</u> |
| 50 | 19-5 <u>12</u> | 20 | 39-5 <u>32</u> | 19-5 <u>12</u> | 20 | 59 <u>44</u> |
| 55 | 20-0 <u>13</u> | 20 | 40 <u>33</u> | 20-0 <u>13</u> | 20 | 60 <u>46</u> |
| 60 | 20-0 <u>13</u> | 20 | 40 <u>33</u> | 20-0 <u>13</u> | 20 | 60 <u>46</u> |
| 65 | 20-0 <u>14</u> | 20 | 40 <u>34</u> | 20-0 <u>14</u> | 20 | 60 <u>48</u> |
| 70 | 20-0 <u>15</u> | 20 | 40 <u>35</u> | 20-0 <u>15</u> | 20 | 60 <u>50</u> |
| 75 | 20-5 <u>15</u> | 20 | 40-5 <u>35</u> | 20-5 <u>15</u> | 20 | 61 <u>50</u> |
| 80 | 20-0 <u>16</u> | 20 | 40 <u>36</u> | 20-0 <u>16</u> | 20 | 60 <u>52</u> |
| 85 | 19-0 <u>16</u> | 20 | 39 <u>36</u> | 19-0 <u>16</u> | 20 | 58 <u>52</u> |
| 90 | 18-0 <u>16</u> | 20 | 38 <u>36</u> | 18-0 <u>16</u> | 20 | 56 <u>52</u> |

SUMMARY OF ORDINANCE No. 3031

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-87-16).

Section 1 makes certain changes to provisions of the Kirkland Zoning Ordinance, Ordinance 2740 as amended, relating to procedural matters and incorporating existing interpretations by the Director, including:

- A. Revises definitions such as "dwelling unit," "horizontal dimension," "lot," and "property line;"
- B. Expands the area for municipal parking facilities which may be used to satisfy parking obligations;
- C. Allows temporary trailers at construction sites;
- D. Increases some driving lane widths in parking lots;
- E. Establishes a 5 year limit to complete permit approval conditions;
- F. Requires applicant to provide public notice signs regarding Process II, III or IV applications.

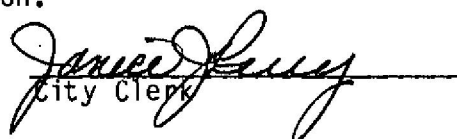
Section 2 provides for the validity of other provisions of the ordinance should any one part be invalid.

Section 3 provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

Section 4 authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and establishes the effective date as five days after publication of summary, except as provided in Section 3.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 3rd day of August 1987.

I certify that the foregoing is a summary of Ordinance 3031 approved by the Kirkland City Council for summary publication.


City Clerk