

ORDINANCE NO. 3053

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IIB-86-101).

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

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on March 26, 1987, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of non-significance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission, as well as a timely filed challenge of said recommendation.

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

Section 1: Zoning text amended: 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: These amendments were previously considered by the City Council and adopted by Ordinance 3019. However, the use zone charts attached as Exhibit A to the original copy of Ordinance 3019 were inadvertently attached through clerical error and were not the use zone charts recommended by the Hearing Examiner in his report to the City Council. Therefore, the City Council by adoption of this ordinance, adopts the correct use zone charts as set forth in Exhibit A attached hereto, and Ordinance 3019 is repealed.

Section 3. 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 4: This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of October, 1987.

Signed in authentication thereof this 5th day of October, 1987.

Everly W. Co
MAYOR Pro Tem

ATTEST:

Juanice Henry
City Clerk

APPROVED AS TO FORM:

Ralph Th
City Attorney

8094C/22A/JW:cw

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

USE ZONE CHART

Zone FC II	Section 35.15.b
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USE

REGULATIONS

REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS				REQUIRED PARKING SPACES
		REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	
		FRONT	SIDE	REAR					
Hotel or Motel Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30'-50' above average building elevation. If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30' above average building elevation.	B	F	See Section 105.25
A retail establishment selling groceries and related items Process IIA Chapter 150	Must be part of a development with a site area of at least 35,000 sq. ft.	20'	10' on each side	10'	80%		B	F	1 per each 300 sq.ft. of gross floor area

SPECIAL REGULATIONS

1. Primary vehicular access must be onto 120th Avenue N.E. Access directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible.
2. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property.
3. The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area.
4. Any structure's horizontal dimension that is parallel to and within 100 feet of the low density zone lying north of N.E. 90th Street may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details.
5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
6. The following regulation applies only to hotels and motels:
May include meeting and convention facilities.
7. The following regulation applies only to retail establishments selling groceries and related items:
Gross floor area for this use may not exceed 3,000 square feet.

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Ordinance No. 3053
ATTACHMENT A

Footnotes

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For information of the regulations in this category, see Chapter 95.
- For details of what may exceed this height limit, see Chapter 115.
- For details regarding required yards, see Chapter 115.

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

USE ZONE CHART

Zone FC II	Section 35.15.c
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REGULATIONS
USE

REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES
		REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	REAR			
		FRONT	SIDE	REAR						
Any Retail Establishment other than those listed in the zone providing goods or services to the Freeway Traveler See Special Regulation #1	Process IIB Chapter 152	Must be part of a development with a site area of at least 35,000 sq. ft.	Will be determined based on the nature and impacts of the proposed use. The City will use the requirements of other uses in this Zone as a	on a case-by-case basis	and impacts of the proposed use. The City will use the requirements of other uses in this Zone as a	See Section 105.25				
Variety or Department Store	Process III Ch. 150	5 acres	20'	10' on each side	10'	80%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation ----- Otherwise 30'-50' above average building elevation	A E	1 per each 300 sq. ft. of gross floor area	

SPECIAL REGULATIONS

- A particular use or development may be approved under this listing if--
 - The use or development is principally geared towards serving the freeway traveler; and
 - It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it.
 - Primary vehicular access must be onto 120th Avenue N.E. Access points directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible.
 - Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property.
 - The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area.
 - Any structure's horizontal dimension that is parallel to and within 100 feet of the low density zone lying north of N.E. 90th Street may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details.
 - Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
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- This use must contain at least 75,000 square feet of floor area.
 - This use may involve both retail and wholesale sales, provided that retail sales constitute the predominant activity.
 - Primary vehicular access must be onto 120th Avenue N.E. Access directly onto N.E. 85th Street is permitted only if access onto 120th Avenue N.E. is not possible.
 - Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this zone must be part of the development of the subject property.
 - The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.
 - Any structure's horizontal dimension that is parallel to and within 100 feet of a the low density zone lying north of N.E. 90th Street may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details.
 - Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

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Footnotes

- ____ For other information about parking and parking areas, see Chapter 105.
- ____ For details of the regulations in this category, see Chapter 100.
- ____ For information of the regulations in this category, see Chapter 95.
- ____ For details of what may exceed this height limit, see Chapter 115.
- ____ For details regarding required yards, see Chapter 115.

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

USE ZONE CHART

Zone FC II	Section 35.15.d
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS						MAXIMUMS				SPECIAL REGULATIONS
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES			
			FRONT	SIDE	REAR								
Office Use		Process IIA Chapter 150	20'	5', but 2 side yards must equal at least 15'	10'	70%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise 30'-50' above average building elevation	C	D	If a medical, dental, or veterinary office, then 1 per each 200 sq.ft. of gross floor area ----- Otherwise 1 per each 300 sq.ft. of gross			<ol style="list-style-type: none"> 1. Vehicular access directly onto N.E. 85th Street is permitted only if access onto side streets is not possible. 2. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property. 3. The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area. 4. Any structure's horizontal dimension that is parallel to and within 100 feet of the low density zone lying north of N.E. 90th Street may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 5. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 6. The following regulations apply to veterinary office only: <ol style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
Detached Dwelling Units		None	20'	5', but 2 side yards must equal at least 15'	10'	50%	If adjoining the low density zone lying north of NE 90th St., then 25' above average building elevation. ----- Otherwise, 30' above average building elevation	E	A unit	2.0 per			<ol style="list-style-type: none"> 1. For this use only one dwelling unit may be on each lot, regardless of lot size. 2. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. <p>5566A/83A/p.75</p>

Footnotes

- ____ For other information about parking and parking areas, see Chapter 105.
- ____ For details of the regulations in this category, see Chapter 100.
- ____ For information of the regulations in this category, see Chapter 95.
- ____ For details of what may exceed this height limit, see Chapter 115.
- ____ For details regarding required yards, see Chapter 115.

USE ZONE CHART

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

Zone FC II	Section 35.15.e
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS				REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		
				FRONT	SIDE	REAR						
Detached, Attached, or Stacked Dwelling Units	Process IIA Chapter 150	35,000 sq. ft. with a minimum of 3,600 sq. ft. per unit	20'	5', but 2 side yards must equal at least 15'	10'	60%	If adjoining a low density zone, then 25' above average building elevation ----- Otherwise, 30'-50' above average building elevation.	D	A	1.7 per unit	<ol style="list-style-type: none"> 1. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. 2. Provisions for improving the intersection of N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property. 3. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 4. The site plan must minimize noise and visual impacts on residential uses in the area. 5. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 6. The subject property must contain at least 200 sq. ft. of common open space suitable for many activities. If the subject property contains six or more units, this required open space must be in one or more pieces each having a length and width of at least 20 feet. In addition, if the subject property contains 30 or more units, at least 50% of this required open space must be in one or more pieces each having length and width of at least 40 feet. 7. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 8. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
Development Containing Stacked Dwelling Units and Office use. See Special Regulation #5	Process IIA Chapter 150	35,000 sq. ft. with a minimum of 3,600 sq. ft. per dwelling unit. See Spc. Reg. #6 for the maximum square footage of office allowed	20'	5', but 2 side yards must equal at least 15'	10'	70%	If adjoining a low density zone, then 25' above average building elevation ----- Otherwise, 30'-50' above average building elevation.	C	D	See Section 105.25	<ol style="list-style-type: none"> 1. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. 2. Provisions for improving the intersection for N.E. 85th Street and 120th Avenue N.E. to handle traffic volumes at full development of this use zone must be part of the development of the subject property. 3. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 4. The site plan must minimize noise and visual impacts on residential uses in the area. 5. A veterinary office is not permitted in any development containing dwelling units. 6. The maximum amount of allowable floor area for office use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property - The number of dwelling units proposed) x the average square footage of the dwelling units proposed = The amount of square footage available for office use. 7. Dwelling units may not be located on the ground floor of a structure. 8. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 9. The subject property must contain at least 200 sq. ft. per unit of common open space suitable for many activities. If the subject property contains six or more units, the required open space must be in one or more pieces each having a length and width of at least 20 feet. In addition, if the subject property contains 30 or more units, at least 50% of this required open space must be in one or more pieces each having a length and width of at least 40 feet. 10. Any structure's horizontal dimension that is parallel to and within 100 feet of a low density zone may not exceed 50 feet if any part of that structure within 100 feet of the low density zone exceeds 15 feet above average building elevation. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. 11. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	

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Footnotes

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For information of the regulations in this category, see Chapter 95.
- For details of what may exceed this height limit, see Chapter 115.
- For details regarding required yards, see Chapter 115.