

ORDINANCE NO. 3085

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-88-25).

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 March 28, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-88-25; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on March 17, 1988, 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. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

~~Section 3. The subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.~~

~~Section 3. Except as provided in Section 3, This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.~~

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of April, 1988.

Signed in authentication thereof this 5th day of April, 1988.

*Doris Cooper*  
MAYOR

ATTEST:

*James D. King*  
City Clerk

APPROVED AS TO FORM

*[Signature]*  
City Attorney

0231D/185A/JW:np

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

USE ZONE CHART

Zone BCX	Section 47.10
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USE

REGULATIONS

REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES
		REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	STRUCTURE			
		FRONT	SIDE	REAR						
None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	E	1 per each 250 sq. ft of gross floor area (see Special Regulation #5).	

SPECIAL REGULATIONS

1. This use specifically excludes new or used vehicle or boat sales or rentals.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width. See the Section in Chapter 115 entitled Distance Between Structures Regarding Horizontal Facade Regulation for further details.
3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.
4. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened.
5. Ten (10) percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.
6. Storage of used parts and tires must be conducted entirely within an enclosed structure. See also the section in Chapter 115 entitled Outdoor Use, Activity and Storage for additional regulations.
7. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in Washington Administrative Code Section 173-60-040(1) for a Class B source property and a Class A receiving property.
8. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
  - a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.
  - b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if the public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the Public Pedestrian Access and Public Use areas.
  - c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.

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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

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ZONING CODE SECTION 5.10

(as defined in Sections 5.10.885 and 5.10.884) and which excludes minors by virtue of age.

3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in Sections 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in Section 5.10.885) and which establishment excludes minors by virtue of age.
25. Air Rights - The right to in some manner control the use of the space above the surface of the ground.
30. Alluvium - Soil deposits transported by surface waters.
35. Alteration - A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.
37. Amend - To change the Zoning Map, text of the Zoning Code, or Land Use Policies Plan in accordance with this Code.
40. Applicant - A person who applies for any permit or approval to do anything governed by this Code and who is the owner, of the subject property; the authorized agent of the owner, or the City.
43. Automotive Service Center - Establishment primarily engaged in automotive repair, including the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories.
45. Average Building Elevation - The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.

SUMMARY OF ORDINANCE NO. 3085

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-88-25).

Section 1 amends the following sections or subsections of Ordinance 2740 as amended, the Kirkland Zoning Ordinance:


- (a) Definitions: Section 5.10.43 "Automotive Service Center"
- (b) Use Zone Chart: Section 47.10 BCX Zone - Use Zone Chart for automobile service centers.

Section 2 contains a savings clause.

Section 3 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 (except as provided in Section 3) the effective date to be five days after publication of summary.

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 5th day of April, 1988.

I certify that the foregoing is a summary of Ordinance 3085 approved by the Kirkland City Council for summary publication.

  
City Clerk

0354D/185A/JW:np