

ORDINANCE NO. 3105

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-88-54.

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 June 13, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-88-54; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 19, 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 un-

constitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, 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 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of June, 1988.

Signed in authentication thereof this 21st day of June, 1988.

*Lorin Cooper*  
MAYOR

ATTEST:

*Janet [Signature]*  
City Clerk

APPROVED AS TO FORM:

*Gail Bond*  
Acting City Attorney

## CHAPTER 10 - LEGAL EFFECT/APPLICABILITY

- 10.05 User Guide
- 10.10 Time of Effect
- 10.15 Authority
- 10.17 Purpose
- 10.20 Map Incorporated
- 10.25 Zoning Categories Adopted
- 10.30 Overlay Designations Adopted
- 10.35 Zoning Boundary Interpretation
- 10.40 Unzoned Property
- 10.45 Annexed Property

10.17 Purpose - The purpose of this Code is to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the provisions of this Code.

95.25 Buffering Standards

The Chart in Section 10 of this Chapter establishes which buffering standard applies in a particular case. The following paragraphs establish the specific requirement for each standard.

1. For standard 1, the applicant shall provide either the buffer described in paragraph a or the buffer described in paragraph b below:

a. A 25-foot wide landscaped strip planted as follows:

(1) Two rows of trees, planted eight feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.

(2) Shrubs, 18 inches high, planted to attain a coverage of at least 60% of the buffer area within 2 years.

b. A 15 foot wide landscaped strip with a 6-foot high sight obscuring fence, except for Public Utilities, the fence must be on the outside edge of this strip. For Public Utilities, the fence may be placed either on the outside, or inside edge of the landscaping strip. The landscaped strip must be planted as follows:

(1) Two rows of trees, planted 8 feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.

(2) Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.

2. For standard 2, the applicant shall provide a 15-foot wide landscaped strip planted as follows:
  - a. Two rows of trees planted 8 feet on center along the entire length of the buffer. No more than 50% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.
  - b. Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.
3. For standard 3, the applicant shall provide a 5-foot wide landscaped strip planted as follows:
  - a. One row of trees planted 8 to 10 feet on center along the entire length of the buffer. Up to 100% of the required trees may be deciduous. At the time of planting, deciduous trees must be at least 2" in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least 5' in height.
  - b. Shrubs, 18 inches high planted to attain a coverage of at least 60% of the buffer area within 2 years.
4. Location of the Buffer - The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses - If the adjoining property contains several permitted uses, the applicant may provide the least stringent buffer required for any of these uses.

7. Subject Property Containing Several Uses - If the subject property contains more than one use, the applicant shall comply with the buffering requirement that pertains to the use that is within the most stringent landscaping category.

8. Use of Significant Natural Vegetation.

a. General - The applicant may use significant natural vegetation to meet all or part of the requirements of this Section.

b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this Section to supplement the significant natural vegetation in order to provide a buffer at least as efficient as the required buffer.

9. Modification. The applicant may request a modification of the requirements of this Section, ~~through the process as described in Chapter 145 of this Code.~~ The City Planning Official may approve a modification if--

a. Topography and Views

a. the owner of the adjoining property agrees to this in writing; and

{1}

b. The existing topography of the subject property or the adjoining property decreases or eliminates the need for buffering; or

{2}

c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or

b. Change in use

~~The City may permit the installation of the buffer described in Section 25.2 of this chapter in lieu of installation of the buffer described in Section 25.1 of this Chapter; and the City may permit the installation of the buffer described in Section 25.3 of this Chapter in lieu of the buffer described in Section 25.2 of this chapter under the following circumstances~~

2710/353A(4770A/79A)4-13-88/DM:rk

~~(1) If the owner of the adjoining property agrees to this in writing.~~

d. (2) ~~If using Process IIA, described in Chapter 150 of this Code, the City Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive buffer, or~~

e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

115.20 Animals in Residential Zones

1. General - This Section establishes special regulations that govern the keeping of animals in any zone where a dwelling unit is permitted.

2. Types of Animals - Animals will be regulated according to the following categories:

a. Household pets - The following animals will be regulated as household pets:

- 1) 3 dogs or less per dwelling unit.
- 2) 3 cats or less per dwelling unit.
- 3) A total of 4 dogs and cats per dwelling unit.
- 4) 4 rabbits or less per dwelling unit.
- 5) Gerbils.
- 6) Guinea pigs.
- 7) Hampsters.
- 8) Mice.
- 9) Cage birds.
- 10) Non-venemous reptiles and amphibians.
- 11) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.

b. Small Domestic Animals - The following animals will be regulated as small domestic animals:

- 1) More than 3 dogs per dwelling unit.
- 2) More than 3 cats per dwelling unit.
- 3) More than a total of 4 dogs and cats per dwelling unit.
- 4) More than 4 rabbits per dwelling unit.
- 5) Fowl.

c. Large Domestic Animals - The following animals will be regulated as large domestic animals:

- 1) Horses.
- 2) Cattle.
- 3) Sheep.
- 4) Pigs.
- 5) Goats.
- 6) Other grazing or foraging animals.

d. Bees



3. Other Regulations - Nothing in this Section eliminates the need to comply with King County Animal Control regulations, State law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.
4. Minimum Requirements - The applicant shall comply with the requirements contained within the following chart (see page 313), regarding the keeping of animals in any zone where a dwelling unit is permitted.
5. Bonds - The City may require a bond under Chapter 175 of this Code to ensure that the subject property is maintained in a clean condition.

TYPE OF ANIMAL ↓	REGULATIONS ↓	MAXIMUM		MINIMUMS		SPECIAL REGULATIONS
		REQUIRED REVIEW PROCESS	NUMBER OF ADULT ANIMALS	LOT SIZE	SETBACK	
household Pets	None	Per Dwelling Unit Dogs: 3 Cats: 3 Dogs and Cats: A total of 4 animals Rabbits: 4 Other: No maximum.	As required for a dwelling unit in the zone in which the subject property is located.	Structures and pens must be at least 5' from each property line		1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units, household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals.
Small Domestic Animals	None	20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area	35,000 sq. ft. per dwelling unit	Structures and pens used to house animals must be at least 40' from each property line.		1. The City may limit the number of animals allowed to less than the maximum considering-- a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 2. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.
Large Domestic Animals	If lot size is less than 35,000 sq. ft., then Process I Chapter 145 Otherwise none.	2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area. If lot size is less than 35,000 sq. ft., then only 1 horse.	35,000 sq. ft. per dwelling unit ----- May be less if approved through Chapter 145, Process I	Structures and pens used to house animals must be at least 40' from each property line. Roaming and grazing areas must be at least 20' from each property line, subject to Special Regulation #1.		1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, and structures or pens to extend into the property line in common with the abutting property, provided, that the structure or pen complies with all other regulations pertaining to setback in that zone. 2. The City may limit the number of animals allowed to less than the maximum considering-- a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition. 4. Each lot must contain an area of at least 14,500 sq. ft. capable of being converted into a horse paddock area and configured in a contiguous and useable manner to accommodate the feed storage and manure pile for two horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for

0-2952

REGULATIONS FOR THIS USE CONTINUED ON NEXT PAGE

MAY 1986 (Ordinance 2952)

Footnotes

TYPE OF ANIMAL ↓	REGULATIONS ↓	MAXIMUM		MINIMUMS		SPECIAL REGULATIONS
		REQUIRED REVIEW PROCESS	NUMBER OF ADULT ANIMALS	LOT SIZE	SETBACK	
Bees	Process - Chapter 145 None	<p>Lots containing 15,000 sq. ft. or less. No maximum. Maximum of two hives.</p> <p>Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft. Maximum of 5 hives.</p> <p>Lots containing 35,000 sq. ft. or more. Maximum of 15 hives.</p>	<p>12,500 sq. ft. per dwelling-unit</p> <p>7,200 sq. ft.</p>		<p>Hive must be at least 20' 25' from each any property line. See also Special Regulation 5.</p>	<p>REGULATIONS FOR THIS USE CONTINUED FROM PREVIOUS PAGE</p> <p>trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p> <p>5. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.</p> <p><del>1. A hive must be enclosed by a fence at least 4' high.</del></p> <p><del>2. The applicant must install at least 2 signs measuring 2 sq. ft. each, which provide notice and warning of the hive.</del></p> <p><u>1. Colonies shall be in moveable frame hives.</u></p> <p><u>2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.</u></p> <p><u>3. Colonies shall be requeened following any swarming or aggressive behavior.</u></p> <p><u>4. All colonies shall be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.</u></p> <p><u>5. Hives may be located closer than 25' to any property line, if:</u>  <u>(1) Situated eight feet or more above adjacent ground level, or</u>  <u>(2) Situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height, parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.</u></p> <p><u>6. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.</u></p>

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In addition to the maximum number of adult animals permitted, offspring from one female are permitted at any given time until those offspring are able to survive independently.

Footnotes

115.45 Garbage Receptacle and Dumpsters, Placement and Screening

- 1. Placement - The placement and design of all garbage receptacles and dumpsters must meet the applicable standard of the serving utility. All garbage receptacles and dumpsters, including underground facilities, must comply with either of the following:
  - a. setback a minimum of 5 feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines, or
  - b. comply with the setbacks established for the use with which they are associated.

In either case, garbage receptacles and dumpsters may not be located in landscape buffers required by Chapters 95 and 105.

- 2. Screening - All garbage receptacles and dumpsters must be screened from view from the street and from adjacent properties. -- This screening may be done using dense vegetation or by placing the dumpster in a structural enclosure by a solid sight-obscuring enclosure.
- 3. Exemptions - Garbage receptables for detached dwelling units, duplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.

115.60 Height Regulations, Exceptions To

- 1. General - No element or feature of a structure, other than as listed in paragraph 2 of this Section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 65 of this Code.
- 2. Exceptions
  - a. Detached Dwelling Units
    - 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.

0441D/233A/p.1(3354A/80A)6-9-88/DM:cw

- 2) Rod, wire and dish antennas may not be placed above the maximum height allowed for any structure unless approved by the Planning Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning Director in approving or denying a rod, wire, or dish antennae may be appealed using the appeal provision, as applicable, of Process 1, Sections 145.55 through 145.110.

For the purposes of this paragraph "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30 percent of its vertical dimension. The phrase "rod or wire antenna" includes those antennas not falling within the definition of dish antennae and antennae for use by licensed amateur radio operators.

b. Other Structures

- 1) Vents, -chimneys, -and-elevator-overrides Rooftop appertenances for all structures other than detached dwelling units may exceed the applicable height limitation by a maximum of four (4)s feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint. These structures must be located in such a way as to minimize view blockage.

0441D/233A/p.2(3354A/80A)6-8-88/DM:dc

2) Other appurtenances that do not meet the standards of paragraph (1) above, may be permitted may exceed the maximum height limit if the Planning Official determines that,:

a) the appurtenances must be above the roofline for proper operation; and,

b) based on accurate graphic representations provided by the applicant, views from adjacent properties will not be significantly blocked.

3) Any appurtenance, other than chimneys and antennas, that exceeds the applicable height limitation must be screened from all streets and nearby properties. See Section 115.120 for standards pertaining to rooftop screening.

c. Radio Tower - A radio tower and antenna structure for use by a noncommercial, licensed amateur operator shall be allowed, if the Planning Official determines that --

a. A reasonable effort is made to minimize radio tower and antenna structure visibility from adjacent properties, while still permitting effective operation; and

b. The radio tower and antenna structure does not extend higher than reasonably necessary to operate effectively; and

c. The radio tower and antenna structure does not physically interfere with nearby utility lines.

Notice of filing application for building or other permit to construct a radio tower and/or antenna, shall be given in the manner required by Section 145.30 as to each such application which shows the proposed tower and/or antenna to either exceed the maximum allowable height for the zone in which it is located, or be within 20 feet of an electrical power or telecommunication utility line.

Any person believing a radio tower or antenna structure does not comply with the foregoing may request in writing a determination of compliance from the Planning Director, providing such request is filed with the City and a copy delivered to the permit applicant within 14 days of the date of publication of the notice of filing. The Planning Director shall make such determination utilizing Process I described in Chapter 145 of this Code. In making his determination utilizing Process I described in Chapter 145 of this Code. In making his determination, the Planning Director shall take into consideration the strong federal interest in promoting amateur communications and the rules adopted by the Federal Communications Commission in support of that interest to regulate the amateur service (47 CFR Part 97 and FCC PRB-1).

e. ~~Dish-antennas may not be placed above the maximum height allowed for any structure unless approved through Process I, described in Chapter 145 of this Code. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. For the purposes of this Section, "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30% of its vertical dimension. The phrase "rod or wire antenna" includes only those antennas not falling within the definition of "dish antenna." The Planning Director may require screening of such dish antennas when placed above the roofline.~~

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1. General - The regulations of this Section apply to every residential use within the City.
2. Home Occupation - A Home Occupation may be conducted subject to the following regulations:
  - a. A Home Occupation is permitted if it--
    - 1) Is carried on exclusively by a family member who resides in the dwelling unit; and
    - 2) Has no outside storage, exterior indication, or outside activity; and
    - 3) Uses no heavy equipment, power tools or power sources not common to a residence; and
    - 4) Has no pickup or delivery by commercial vehicles; and
    - 5) Does not include persons coming to the subject property for goods or services; and
    - 6) Creates no noise, dust, glare, vibration, odor, smoke or other impact adverse to a residential area.
  - b. A Home Occupation which does not meet one or more of the requirements of paragraph 2a of this Section may be approved using Process IIA, described in Chapter 150 of this Code, if it--
    - 1) Will not harm the character of the surrounding neighborhood; and
    - 2) Will not interfere with the rights of nearby residents; and
    - 3) Will not violate any established policy of the City.
3. Accessory Structure - structures, to be used as a tool shed, greenhouse, private garage, or similar use, and not designed or used for human habitation are permitted. The total size of all such structures may not exceed 1000 square feet.
4. Radio-Tower --- A radio-tower-and-antenna-structure-for-use-by-a-non-commercial,-licensed-amateur-operator-shall-be-allowed-if-it--

272D/353A(3354A/80A)6-8-88/DM:rk:dc



- a. Will not interfere with the rights of nearby residents; and
- b. Does not extend higher than reasonably necessary to operate effectively; and
- c. Does not interfere with nearby utility lines; etc.

Any person believing a radio tower or antenna structure does not comply with the foregoing may request in writing a determination of compliance from the Planning Director. The Planning Director shall make such determination utilizing Process I described in Chapter 145 of this Code. In making his determination, the Planning Director shall take into consideration the strong Federal interest in promoting amateur communications and the rules adopted by the Federal Communications Commission in support of that interest to regulate the amateur service (47 CFR Part 97).

4-5. Domestic Animals - Please see the Section in this Chapter entitled Animals in Residential Zones for regulations for keeping animals in residential zones.

- 6. Dish Antenna -- A dish antenna which is ground-mounted is subject to the setback requirements of the use in the zone in which it is located. In addition, all dish antennas are subject to the provisions of Section 60.2.e. of this Chapter.

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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, bay windows, greenhouse windows, eaves, awnings, 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 and railings 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. Improvements associated with shoreline public use and access areas may be located in any required yard. 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.
- k. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight feet wide and ten feet tall and may not be enclosed along the sides.

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115.120

Rooftop Appurtenances, Required Screening

- a. Except as noted in paragraph c. below, vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight obscuring screen.  
~~architecturally-screened; except for rod, and wire antennas and dish antennas approved pursuant to 115.60.2. b. -- The height of the screening must be at least as high as the rooftop appurtenances.~~
- b. The Planning Official will review the proposed screen for compliance with the following criteria.
- 1) The screen must be integrated into the architecture of the building; and
  - 2) The screen must obscure the view of the appurtenance from adjacent rights-of-way and properties.
- c. Exemptions:
- 1) Rod, wire, and dish antennas approved pursuant to 115.60.2. are exempt from the requirements of this Section where screening would interfere with the effective operation of these antennae.
  - 2) A painted appurtenance is exempt from the requirements of this Section only if the Planning Official determines that painting will be as effective in minimizing rooftop clutter as a solid structural screen.

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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:
  - 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 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 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. A statement granting, modifying and granting, or denying the application.
  - b. Any conditions 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; and

- d. A statement of the Director's conclusions based on those facts;
  - e. A statement of the criteria used by the Director in making the decision; and
  - f. 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:
- a. A copy will be mailed to the applicant.
  - b. A copy will be mailed to any person who submitted written comments, testimony to the Director.

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

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- ( 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.
  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 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 aspect 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 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~~, not-including-petitions, testimony to the Director.
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 postmarked date of distribution of the Planning Director's written decision. It must contain--
  - a. 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.

145.70 Participation in the Appeal

Only those persons entitled to appeal the decision under Section 60 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 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.~~

1. By submitting written comments testimony to the Planning Department within the timeline established by Section 145.60.3.

2. By appearing in person, or through a representative, at the hearing and making submitting oral testimony comments directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

145.115 Lapse of Approval

1. The applicant must begin construction 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. "Final decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 145.110. 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, prior to the date that the approval lapses, 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.

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.

c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

150.15 Applications

1. Who May Apply - Any person may, personally or through an agent, apply for a decision regarding property he/she owns.
2. How to Apply - The applicant shall file the following information with the Planning Department:
  - a. A completed application, with supporting affidavits, on forms provided by the Planning Department.
  - b. Address labels obtained from the King County Assessor's Office containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six (6) months old.
  - c. The addresses of all property adjacent to or directly across the street from the subject property.  
Address labels marked "resident" or "tenant" for all addresses located:
    - 1) On the subject property, and
    - 2) Adjoining to the subject property.
  - d. A copy of the King County Assessor's Map identifying the properties specified in paragraphs 2b and 2c of this Section.
  - e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.
  - f. Any information or material that is specified in the provision of this Code that describes the applied for decision.
  - g. Any additional information or material that the Planning Official determines is reasonably necessary for a decision on the matter.
3. Fee - The applicant shall submit the fee established by ordinance with the application.

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 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 testimony comments to the Hearing Examiner.

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 testimony comments to the Hearing Examiner.\_\_\_\_\_

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28(A)

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 on the approval or any timely filed requests for reconsideration was postmarked for distribution. 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 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.

150.90 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.~~
  1. By submitting written comments to the Planning Department, within the timeline established by Section 150.80.3.
  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.

150.135 Lapse of Approval

1. The applicant must begin construction 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. "Final decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 150.130.



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, prior to the date that the approval lapses, 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.

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.
- c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

152.15 Applications

1. Who May Apply - Any person may, personally or through an agent, apply for a decision regarding property he/she owns.
2. How to Apply - The applicant shall file the following information with the Planning Department:
  - a. A completed application, with supporting affidavits, on forms provided by the Planning Department.
  - b. Address labels obtained from the King County Assessor's Office containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six (6) months old.
  - c. The addresses of all property adjacent to or directly across the street from the subject property.  
Address labels marked "resident" or "tenant" for all addresses located:
    - 1) On the subject property, and
    - 2) Adjoining to the subject property.
  - d. A copy of the King County Assessor's Map identifying the properties specified in paragraphs 2b and 2c of this Section.
  - e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.
  - f. Any information or material that is specified in the provision of this Code that describes the applied for decision.
  - g. Any additional information or material that the Planning Official determines is reasonably necessary for a decision on the matter.
3. Fee - The applicant shall submit the fee established by ordinance with the application.

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 any person who submitted written or oral comments testimony 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.

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33(A)

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 testimony 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 on the application or any timely filed requests for reconsideration was postmarked for distribution.
  - b. The person filing the challenge shall, prior to delivery under 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 paragraph 1 of this Section. 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.
  - c. Any person receiving a copy of the challenge letter pursuant to paragraph 3.b of this Section, may file a written response to the challenge. Such response shall be submitted to the Planning Department 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 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 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.

152.115 Lapse of Approval

1. The applicant must begin construction 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. "Final decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 152.110. 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, prior to the date that the approval lapses, 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.

c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

155.15 Applications

1. Who May Apply - Any person may, personally or through an agent apply for a decision regarding property he/she owns. In addition, any person may apply for a decision under this Chapter if this is authorized by another provision of this Code, regardless of whether the decision applies to property owned by the applicant.
2. How To Apply - The applicant shall file the following information with the Planning Department:
  - a. A completed application, with supporting affidavits, on forms provided by the Planning Department.
  - b. Address labels obtained from the King County Assessor's Office containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six (6) months old.
  - c. ~~The addresses of all property adjacent to or directly across the street from the subject property.~~  
Address labels marked "resident" or "tenant" for all addresses located:
    - 1) On the subject property, and
    - 2) Adjoining to the subject property.
  - d. A copy of the King county Assessor's Map identifying the properties specified in paragraph 2b and 2c of this Section.
  - e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.
  - f. Any information or material that is specified in the provision of this Code that describes the applied for decision.
  - g. Any additional information or material that the Planning Official determines is reasonably necessary for a decision on the matter.
3. Fee - The applicant shall submit the fee established by Ordinance with the application.

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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 testimony eomments 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.

1029D/388A(4375A/81A)/06-09-88/DM:cw

38(A)

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 testimony 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 on the application or any timely filed requests for reconsideration was postmarked for distribution.
  - b. The person filing the challenge shall, prior to delivery under 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 1 of this Section, to those persons described in paragraph 3.c. of this Section. 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.
  - c. Any person receiving a copy of the challenge letter pursuant to paragraph 3.b. of this Section may file a written response to the challenge. Such response shall be submitted to the Planning Department within five (5) working days after 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 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 challenge letter filed with the Planning Department pursuant to 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.

#### 155.115 Lapse of Approval

1. The applicant must begin construction 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. "Final decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 150.130. 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, prior to the date that the approval lapses, to the Planning Department, along with any other supplemental documenta-

tion 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.

c. Applicable Procedures - All appeals of time extensions in this Chapter will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

SUMMARY OF ORDINANCE NO. 3105

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-88-54).

Section 1. Amends, adds, or deletes the following sections and subsections of Ordinance 2740 as amended, the Kirkland Zoning Ordinance:

a. Legal Effect/Applicability:

Section 10.17 Purpose

b. Landscaping:

Section 95.25.9 Modification of Buffering Standards

c. Miscellaneous Use Development and Performance Standards:

Section 115.20.4 Bees  
 Section 115.45 Placement and Screening of Garbage Receptacles  
 Section 115.60.2 Exceptions to Height Regulations  
 Section 115.65.4 Radio Tower  
 Section 115.65.6 Dish Antenna  
 Section 115.115.3 Structures in Required Yard  
 Section 115.120 Rooftop Appurtenances

d. Amendments to Approval Process Procedures:

Section 145.45.5 Issuance of Written Decision  
 Section 145.60.1 Who May Appeal  
 Section 145.70 Participation in the Appeal  
 Section 145.115 Lapse of Approval  
 Section 150.15.2 How to Apply  
 Section 150.65.5 Issuance of Written Decision  
 Section 150.80 Appeals  
 Section 150.90.1 Participation in the Appeal  
 Section 150.135 Lapse of Approval  
 Section 152.15.2 How to Apply  
 Section 152.75.1 Distribution of Copies  
 Section 152.85 Challenge to the Recommendation

Section 152.115	Lapse of Approval
Section 155.15.2	How to Apply
Section 155.75	Distribution of Report
Section 155.85	Challenge to the Recommendation
Section 155.115	Lapse of Approval

Section 2. Contains a savings clause.

Section 3. Provides that the subject matter of the ordinance shall not become effective within the limits of the Houghton Community Municipal Corporation, unless approved by the Houghton Community Council, or said Community Council has failed to disapprove the ordinance within 60 days of the date of passage of the ordinance by the City Council.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 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 21st day of June, 1988.

I certify that the foregoing is a summary of Ordinance 3105 approved by the Kirkland City Council for summary publication.

*Janice Sherry*  
City Clerk