

ORDINANCE NO. 3109

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-88-95).

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 July 11, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-88-95; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on July 7, 1988, held a public hearing on the amendment proposals and considered the comments received at said hearing, as well as the recommendations made by the Houghton Community Council; and

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

Whereas, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as 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. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective 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, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 19th day of July, 1988.

Signed in authentication thereof, this 19th day of July, 1988.

ATTEST: Lois Cooper
MAYOR

Jamie Perry
City Clerk

APPROVED AS TO FORM:

Raymond
City Attorney

2002D/45A/DM:rk

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

USE ZONING CHART

Zoning Map Section 17.10

USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS				MAXIMUMS				SPECIAL REGULATIONS	
			LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN CATEGORY		REQUIRED PARKING SPACES
				FRONT	SIDE	REAR						
Detached Dwelling Unit		None	As established on the Zoning Map. See Special Reg. #1.	20'	5' each side <u>See Special Reg. #2.</u>	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RSX 35 Zones, the minimum lot size is 35,000 square feet. In RSX 8.5 Zones, the minimum lot size is 8,500 square feet. In RSX 7.2 Zones, the minimum lot size is 7,200 square feet. In RSX 35, 8.5, and 7.2 Zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. <u>On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five foot yard). The applicant may select which front yard shall meet the 20 foot requirement.</u> 3.2- Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4.3- Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

Attachment A

PL203(8207C/308A)6-29-88/DM:up/p.1/RSX

PL203(8207C/308A)6-29-88/DM:up/p.2/RSX

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.

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.

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PL

- 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.
- l. In low density residential zones, the applicant may request a modification to locate a storage shed in a required yard except a required front yard. The Planning Official may approve a modification if --
- 1) The proposed structure is no more than eight feet tall; and
 - 2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed ten feet, and the entire structure shall not exceed 120 sq. ft. in total area; and

- 3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and
- 4) The modification will not create a significant negative impact on the character of nearby residential properties.

If approved, the Planning Official may require the storage shed to be screened by a solid fence or dense vegetation.

The decision of the Planning Official in approving or denying a modification for a storage shed may be appealed using the appeal provision, as applicable, of Process I, Sections 145.55 through 145.110.

4. Outdoor Uses, Activities and Storage - Areas devoted to outdoor use, storage or structured activities, including structured recreation activities, may not be located in required yards except that shoreline public use and access areas may be located in any required yard. For regulations on outdoor uses, activities and storage, see Section 115.105.
5. Driveways and Parking Areas - Vehicles may not be parked in required yards except as follows:
- a. Detached Dwelling Units - Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. A driveway and/or parking area shall not exceed 20 feet in width in any required front and/or rear yard, and shall not be closer than 5 feet to any side property line (see Plate 14).