

ORDINANCE NO. 3130

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-88-8).

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 14, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-88-8; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 16 and July 7, 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. 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 adopted by the City Council.), as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of November, 1988.

Signed in authentication thereof this 15th day of November, 1988.

Doris Cooper
Mayor


ATTEST:

Janice Perry
City Clerk

APPROVED AS TO FORM:

Rayhott
City Attorney

USE ↓	REGULATIONS ↓	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS		USE ZONE									
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS				MAXIMUMS					
				FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY SIGN	STORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
Public Park	See Special Regulation #1 and #2.	None	Will be determined on a case-by-case basis										

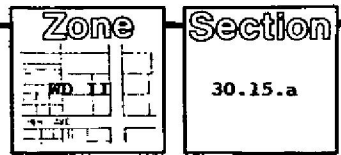
CHART		Zone	Section
See Section 105.25	<ol style="list-style-type: none"> Development and use of a park does not require a development permit under this Code if— <ol style="list-style-type: none"> A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or The proposed use and development— <ol style="list-style-type: none"> Will not involve lighting for outdoor nighttime activities; and Will not involve the construction of any building of more than 4,000 square feet; and Will not involve the construction of more than 20 parking stalls; and Will not involve the development of any structured sports or activity areas. Any development or use of a park that does not meet the requirements of Special Regulation #1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: <ol style="list-style-type: none"> Ease of access to the park. Character of the neighborhood. Size, nature and topography of the subject property. See Section 11 of this chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. If any portion of a structure is adjoining a low density zone, then either: <ol style="list-style-type: none"> The height of that portion of the structure shall not exceed 15 feet above average building elevation, or 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 <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. The provisions of Chapter 90 of this Code, limiting development in and around wetlands, do not apply to a public park, if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 of this Code. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. This use may include a public access pier or boardwalk. See Section 30.10.c. through f. for regulations regarding these uses. 		30.10.h

6560/303A/JLB:br(p.1)(913C/80A/p.15)5-6-88 WD-1

Footnotes

- _____ For other information about parking and parking areas, see Chapter 105.
- _____ For details of the regulations in this category, see Chapter 100.
- _____ For details 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.
- _____ This development may also be regulated under the City's Shoreline Master Program; consult that document.
- _____ May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

USE	REGULATIONS	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS										USE ZONE		CHART		
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS				MAXIMUMS				LANDSCAPE CATEGORY	SIGN	-LOOPY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
				REQUIRED YARDS				LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN					
				FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE									
Detached Dwelling Unit	Process - Chapter 145 None	12,500 sq. ft.	20'	The height of the primary structure minus 5'	5'	The greater of-- a. 15', or b. 15% of the average parcel depth	50%	25' above average building elevation	E	A			2.0 per Unit	<ol style="list-style-type: none"> No structure, other than a moorage structure, may be waterward of the high waterline. For the regulation regarding moorage, see the Moorage listing in this zone. For this use, only one dwelling unit may be on each lot regardless of lot size. If dwelling units exist on property that adjoins the subject property to the north and south, the required high waterline yard is the average of the existing high waterline yards on these two adjoining properties. If, because of adjoining properties, the required high waterline yard is increased, the required front yard may be decreased to the average of the existing front yards on the properties adjoining the subject property to the north and south. If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. <u>Each portion of a structure must be setback from the north property line by a distance equal to or greater than the height of that portion of the structure above the north property line minus 5 feet (see Plate 21).</u> Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. See Section 16 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 		
				See also Special Regulations #3, #4 and #5												



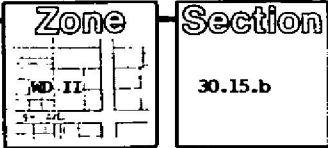
579D/307A(p.1) LB:rk(900C/82A:TS)5-10-88/WD-II

579D/307A(p.2) JLB:rk(900C/82A:TS)5-10-88/WD-II

Footnotes

- _____ For other information about parking and parking areas, see Chapter 105.
- _____ For details of the regulations in this category, see Chapter 100.
- _____ For details 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.
- _____ This development may also be regulated under the City's Shoreline Master Program; consult that document.
- _____ May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

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REGULATIONS USE	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS		USE ZONE					CHART		SPECIAL REGULATIONS		
	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS				MAXIMUMS		LANDSCAPE CATEGORY SIGN	REQUIRED PARKING SPACES	Zone	Section
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE				
Moorage Facility for 1 or 2 boats. See also Special Regulations #1 and #11	Process 1 Chapter 145	None	Landward of the High Waterline 20'	5'	High Waterline 10'	50%	Landward of the High Waterline 25' above average building elevation	E	See Spc. Reg. #8	None	<ol style="list-style-type: none"> Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. Moorage structures may not extend waterward beyond a point 150' from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than 8' in width. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. May not treat moorage structure with creosote, oil base or toxic substances. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Pier must be adequately lit; the source of the light must not be visible from neighboring uses. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least 4" high, and visible from the Lake. Covered moorage is not permitted. Aircraft moorage is not permitted. Two or more adjoining waterfront lots may share a moorage facility. If this occurs, the following regulations apply: <ol style="list-style-type: none"> All lots will be taken together as the subject property to determine compliance with the requirements of this use. The moorage structure may be built to accommodate two boats for each residential unit on the subject property. The owner of each lot must deed to the City the over water development rights to that property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two. See Section 16 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. This requirement does not apply if the moorage facility is reserved for the exclusive use of an adjacent residential development. 	
0584D/233A/p.3/JLB 900C/82A/TS			In addition, no moorage structures may be within either-- a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. See also Special Regulation #11			Waterward of the High Waterline. Dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.			0584D/233A/p.4/JLB 900C/82A/TS			

Footnotes

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For details 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.
- This development may also be regulated under the City's Shoreline Master Program; consult that document.
- May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

USE	REGULATIONS	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS										USE ZONE		CHART		SPECIAL REGULATIONS
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS				HIGH WATER LINE	MAXIMUMS		LANDSCAPE CATEGORY SIGN	-USURY- REQUIRED PARKING SPACES	Zone	Section		
				FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	LOT COVERAGE		HEIGHT OF STRUCTURE							
										FRONT					NORTH PROPERTY LINE	
Public Utility	Process IIA Chapter 150	None	20'	20'	20'	The greater of-- a. 15' or b. 15% of the average parcel depth	70%	25' above average building elevation	A	B	See Section 105.25	Zone	30.15.c			
Government Facility	Process IIA Chapter 150	None	20'	10'	10'	The greater of-- a. 15' or b. 15% of the average parcel depth	70%	25' above average building elevation	C	B	See Section 105.25	Zone	30.15.c			
Public Transit Shelter	None	None	0'	0'	0'	The greater of-- a. 15' or b. 15% of the average parcel depth	100%	15' above average building elevation	--	See Spc. Reg. #2	None	Zone	30.15.c			
Public Park	See Special Regulation #4 and #5.	None	Will be determined on a case-by-case basis							--	B	See Section 105.25	Zone	30.15.c		

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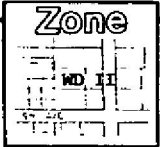
659D/303A(p.1)DLB:br/5-5-88/WD-II
(900C/82A/p.5)ES:br/4-28-88

659D/303A/ILB:dc(p.3)5-10-88/WD-II
(900C/82A/p.7) other information about parking and parking areas, see Chapter 105.
 _____ For details of the regulations in this category, see Chapter 100.
 _____ For details 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.
 _____ This development may also be regulated under the City's Shoreline Master Program; consult that document.
 _____ May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

Footnotes

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REGULATIONS USE	Directions: FIRST, read down to find USE... THEN, across for REGULATIONS		USE ZONE						
	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS				MAXIMUMS		
			REQUIRED YARDS				LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY SIGN
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE			
Public Park	See Special Regulation #4 and #5.	None	CONTINUED FROM PREVIOUS PAGE						
659D/303A(p.2) (900C/82A/p.6)	JLB:br/5-6-88	WD-II	Will be determined on a case-by-case basis						

SPECIAL REGULATIONS	Zone	Section
	CONTINUED FROM PREVIOUS PAGE 6. This use may include a public access pier or boardwalk. See Section 30.10 c. through f. of this Code for regulations regarding these uses. 7. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.	

Footnotes

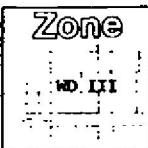
PL900C/Section 30.15.d./Page 65A/10-3-88/JW:rk WD-II

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For details 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.
- This development may also be regulated under the City's Shoreline Master Program; consult that document.
- May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

Page

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Section
30.20.c

REGULATION	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS				MAXIMUMS				REQUIREMENT FOR PARKING SPACES	SPECIAL REGULATIONS	
			REQUIRED YARDS				LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY SIGN				
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE							
Public Access Pier or Boardwalk	Process IIA Chapter 150	None	Waterward of the High Waterline - 10' 10' - See also Special regulation # 6.				-	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck	-	-	-	See Section 105.25	<ol style="list-style-type: none"> No accessory uses, buildings, or activities are permitted as part of this use. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. May not treat a structure with creosote, oil base or toxic substances. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. Structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least 4" high, and visible from the Lake. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access or adjacent property. See Section 11 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
Moorage Facility for 1 or 2 boats. See also Special Regulation # 1	None	None	Waterward of the High Waterline - 10' 10' - In addition, no moorage structure may be within— a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5'.				80%	Pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck	-	-	-	<p>1 per each 2 slips.</p> <p>Otherwise, none if the moorage is reserved for the exclusive use of an adjoining residential development.</p> <ol style="list-style-type: none"> Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. Moorage structures may not extend waterward beyond a point 150' from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than 8' in width. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use. May not treat moorage structure with creosote, oil base or toxic substances. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least 4" high, and visible from the Lake. Covered moorage is not permitted. Aircraft moorage is not permitted. See Section 11 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property. Live-aboard boats are prohibited. 	

Footnotes

- 10-11111.WRK 30.20.c (page 69C) 10-07-88/TS:dc
- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100.
- For details 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.
- This development may also be regulated under the City's Shoreline Master Program; consult that document.
- May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

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REGULATION	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS				MAXIMUMS				LANDSCAPE CATEGORY	SIGN C.	REQUIREMENTS	SPECIAL REGULATIONS
			REQUIRED YARDS				LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN C.				
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE								

Zone NO. III	Section 30.20.d
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General Moorage Facility	Process IIA Chapter 150	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline 30' See also Spec. Reg #3.	The greater of— a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	10' For moorage structure, 0'. For other structures, the greater of— a. 15', or b. 15% of the average parcel depth.	80%	Landward of the High Waterline. 30' above average building elevation. See also Spec. Reg. #6. Waterward of the High Waterline. Dock and Pier decks may not be more than 24' above mean sea level.	B	B	1 per each 2 slips. Otherwise, None if the moorage facility is reserved for the exclusive use of an adjoining residential development.	<ol style="list-style-type: none"> 1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. 2. Except as permitted by Special Regulation #18, no structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. 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 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. 4. The required 30' front yard may be reduced 1' for each 1' of this yard that is developed as a public use area: <ol style="list-style-type: none"> a. Within 30' of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. A view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Blvd. to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. Structure height may be increased to 35' above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Blvd.; and <ol style="list-style-type: none"> a. The increase is offset by a view corridor that is superior to that required by Special Regulation #4; or b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation. 6. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 7. The City will determine the maximum allowable number of moorages based on the following factors: <ol style="list-style-type: none"> a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that: <ol style="list-style-type: none"> a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and
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REGULATIONS FOR THIS USE CONTINUED ON NEXT PAGE

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

L-401111.URK 30.20.d (page 690) 9-12-88/TS:rk

R-401111.URK 30.20.d (page 690) 10-27-88/TS:rk

Footnotes	For other information about parking and parking areas, see Chapter 105.	Page 690
	For details of the regulations in this category, see Chapter 100.	
	For details of what may exceed this height limit, see Chapter 115.	
	For details regarding required yards, see Chapter 115.	
	This development may also be regulated under the City's Shoreline Master Program; consult that document.	
May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.		

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REGULATION	REQUIRED REVIEW PROCESS	MINIMUMS					MAXIMUMS				REQUIREMENT	SPECIAL REGULATIONS
		LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY SIGN	STORY	REQUIRED PARKING SPACES		
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE							

Zone MD III
Section 30.20.e

USE	REGULATIONS FOR THIS USE CONTINUED FROM THE PREVIOUS PAGE	REGULATIONS FOR THIS USE CONTINUED FROM THE PREVIOUS PAGE	REGULATIONS FOR THIS USE CONTINUED FROM THE PREVIOUS PAGE
	General Moorage Facility	<p>c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening over water structure; or</p> <p>d. Within 25' of another moorage structure not on the subject property.</p> <p>The minimum dimension of any yard other than those listed, is 5'.</p> <p>(See previous page for the rest of this column)</p>	<p>c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and</p> <p>d. The moorage structures will not adversely affect nearby uses; and</p> <p>e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats.</p> <p>9. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to submittal of a Building Permit for this use.</p> <p>10. May not treat moorage structure with creosote, oil base or toxic substance.</p> <p>11. Must provide at least 2 covered and secured waste receptacles.</p> <p>12. All utility and service lines must be below the pier deck and, where feasible, underground.</p> <p>13. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property.</p> <p>14-15. Piers must be adequately lit. The source of the light must not be visible from neighboring properties.</p> <p>16-14. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least 4" high.</p> <p>16-15. Covered moorage is not permitted.</p> <p>17-16. Aircraft moorage is not permitted.</p> <p>18. The following accessory components are allowed if approved through Process 4B, Chapter 162:</p> <ul style="list-style-type: none"> a. Boat and motor sales and leasing. b. Boat and motor repair and service #— <ul style="list-style-type: none"> 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. c. Boat launching ramp #— <ul style="list-style-type: none"> 1) It is not for the use of the general public; and 2) Is paved with concrete; and 3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and 4) Access to the ramp is not directly from the frontage road; and 5) The design of the site is specifically approved by the City. d. Pumping facilities to remove effluent from boat holding tanks. e. Dry land storage—However, stacked storage is not permitted. f. Meeting and special events rooms. g. Gas and oil sale for boats; #— <ul style="list-style-type: none"> 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean-up gas and oil spills. May have an over-water shed that is not more than 50 square feet and 40 feet high as measured from the deck. <p>19-17. See Section 11 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</p> <p>20-18. At least one pump-out facility shall be provided, for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</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 details 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.
 This development may also be regulated under the City's Shoreline Master Program; consult that document.
 May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

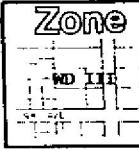
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O-3130

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

USE ZONE

CHART



Section
30.20.f

REGULATIONS USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS				MAXIMUMS							
			FRONT	NORTH PROPERTY LINE	SOUTH PROPERTY LINE	HIGH WATER LINE	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SIGN				
											Will be determined on a case-by-case basis			
Public Park	See Special Regulation # 5 and #6.	None												

STORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
		<ol style="list-style-type: none"> See section 21 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property. If any portion of a structure is adjoining a low density zone, then either: <ol style="list-style-type: none"> The height of that portion of the structure shall not exceed 15 feet above average building elevation, or 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. <p>See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details.</p> The provisions of Chapter 90 of this Code limiting development in and around wetlands do not apply to a public park if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 of this Code. <u>This use may include a public access pier or boardwalk. See Section 30.20.c. through f. for regulations regarding these uses.</u> Development and use of a park does not require a development permit under this Code if-- <ol style="list-style-type: none"> A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or The proposed use and development-- <ol style="list-style-type: none"> Will not involve lighting for outdoor nighttime activities; and Will not involve the construction of any building of more than 4,000 square feet; and Will not involve the construction of more than 20 parking stalls; and Will not involve the development of any structured sports or activity areas. Any development or use of a park that does not meet the requirements of Special Regulation #1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: <ol style="list-style-type: none"> Ease of access to the park. Character of the neighborhood. Size, nature and topography of the subject property. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

660D/303A/JLB:tr(p.1) 5/6/88 WD-III (914C/82A)

PL914C/Section 30.20.1./Page 69F/10-3-88/JW:rk

Footnotes

- ____ For other information about parking and parking areas, see Chapter 105.
- ____ For details of the regulations in this category, see Chapter 100.
- ____ For details 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.
- ____ This development may also be regulated under the City's Shoreline Master Program; consult that document.
- ____ May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

Page

69F

0-3130

30.16 Bulkheads and Land Surface Modification1. Bulkheads

- a. General - Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this Section.
- b. Required Permit - The City will use Process I, described in Chapter 145 of this Code, to review and decide upon an application for a bulkhead. A permit may also be required from the U.S. Army Corps of Engineers. Consult that agency for further information.
- c. Allowable Reasons - A bulkhead may be constructed only if --
 - 1) It is needed to prevent significant erosion due to wave action; and
 - 2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.
- d. Prohibit Location - A bulkhead may not be erected within a wetland or between a wetland and the lake.
- e. Design of Bulkhead - ~~The bulkhead must be constructed using rock in a sloping riprap design.~~ The bulkhead must be designed to minimize the transmittal of wave energy to other properties.
- f. Placement of the Bulkhead - The bulkhead may not extend waterward of high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.
- g. Change in Configuration of the Land - Except as allowed under Paragraphs 2 and 3 of this Section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
- h. Backfill - The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

60.16 BULKHEADS AND LAND SURFACE MODIFICATION

1. BULKHEADS - Bulkheads are not permitted in this zone.
2. Land Surface Modification Waterward of the High Waterline.
 - a. General. Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this Section.
 - b. Required Permit. The City will use the City Council Process III, described in Chapter 155 of this Code to review and decide upon an application for a land surface modification waterward of the high waterline.
 - c. Allowable Reasons. The City may approve an application for a land surface modification waterward of the high waterline only if the application is filed by a public agency to improve navigability, public recreation or public safety; and
 - 1) No unique or significant natural area of flora or fauna will be destroyed; and
 - 2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties.
 - d. Requirements for Dredging. If the land surface modification involves dredging, the Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved fill on the subject property.
 - e. Requirements for Fill. If the land surface modification involves fill, the material for the fill must be non-dissolving and non-decomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality or the existing habitat.
 - f. Use of Vegetation. The applicant shall stabilize exposed areas left after land surface modification with vegetation.

6310/303A/JLB:br(2169A/79A)5-3-88

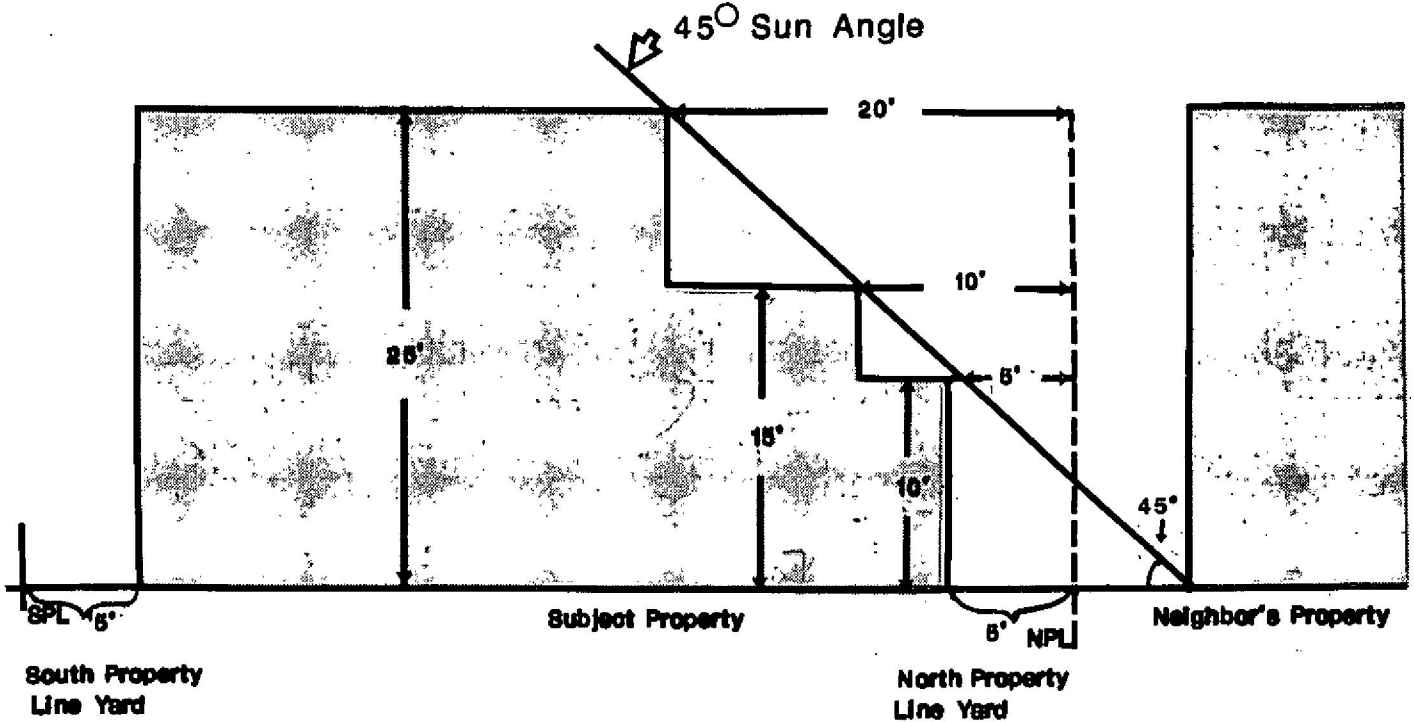
3. Land Surface Modification Within the Regulated Wetland.

Land surface modification within ~~the~~ a regulated wetland ~~is~~ and within a wetland buffer is regulated by Chapter ~~115~~ 90 of this Code. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

4. Land Surface Modification Other than Waterward of the High Waterline or the Regulated Wetland or Wetland Buffer. See Chapter 115 for regulations regarding land surface modifications other than waterward of the high waterline or within the regulated wetland or wetland buffer.

5. Emergency Measures. An applicant may take emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

WDII NORTH PROPERTY LINE YARD AND HEIGHT OF STRUCTURE



ELEVATION VIEW

Setback = Height - 5' from North Property Line
Scale 1" = 10'

SUMMARY OF ORDINANCE NO. 3130

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-88-8).

Section 1. Amends the following Sections (text and Use Zone Charts) of Ordinance 2740, as amended, the Kirkland Zoning Ordinance, including regulations relating to set backs, high water line yards, public access, private moorage, bulkheads, and land surface modification, to provide consistency between the Zoning Code, the amended Kirkland Shoreline Master Program, and the Kirkland Land Use Policies Plan (comprehensive plan), to correct certain clerical mistakes, and in some instances to provide more simplified procedural requirements:

WD I Zone Sections:	30.10.h
WD II Zone Sections:	30.15.a
WD II Zone Sections:	30.15.b
WD II Zone Sections:	30.15.c
WD II Zone Sections:	30.15.d
WD III Zone Sections:	30.20.c
WD III Zone Sections:	30.20.d
WD III Zone Sections:	30.20.e
WD III Zone Sections:	30.20.f

Bulkheads and Land Surface Modification:
Section 30.16 and Section 60.1
Plate 22 Found in Chapter 180


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, except as provided in Section 3, the effective date to be 5 days after publication of this 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. This Ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of November, 1988.

I certify that the foregoing is a summary of Ordinance No. 3130, approved by the Kirkland City Council for Summary Publication.



City Clerk

PL854/JW:np