ORDINANCE NO. 3149

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-88-116).

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 November 14, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-88-116; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on November 3, 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 <u>17th</u> day of <u>January</u>, 1989.

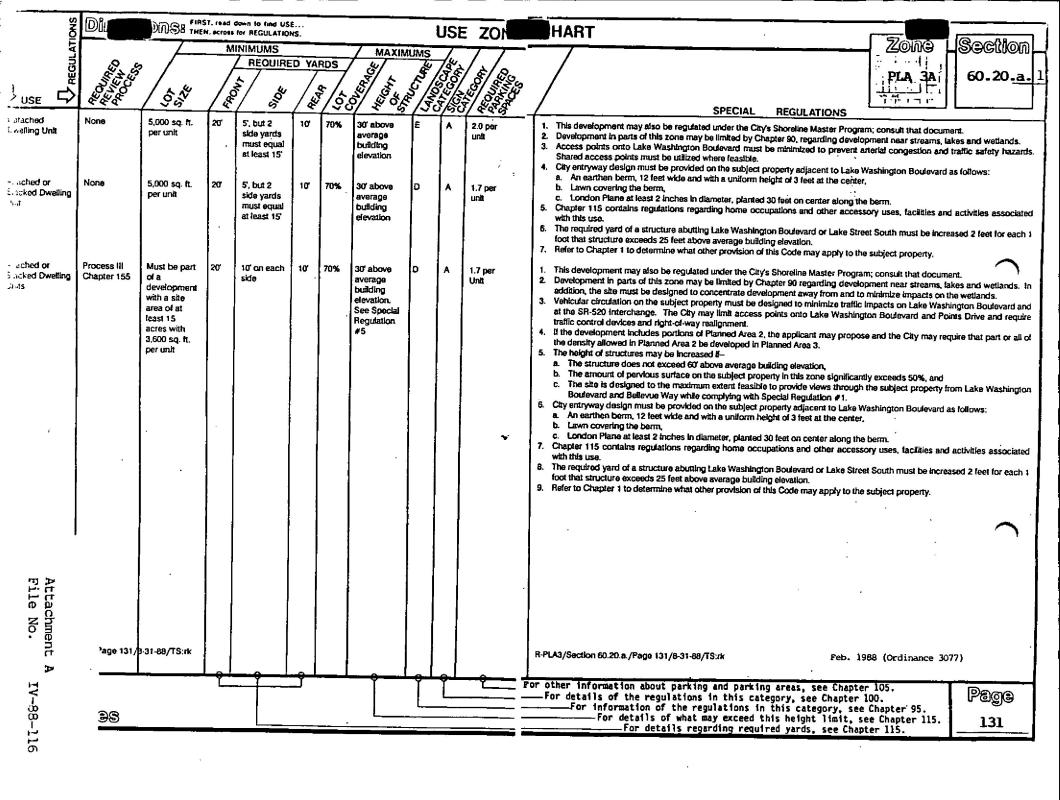
Signed in authentication thereof this 17th day of January , 1989.

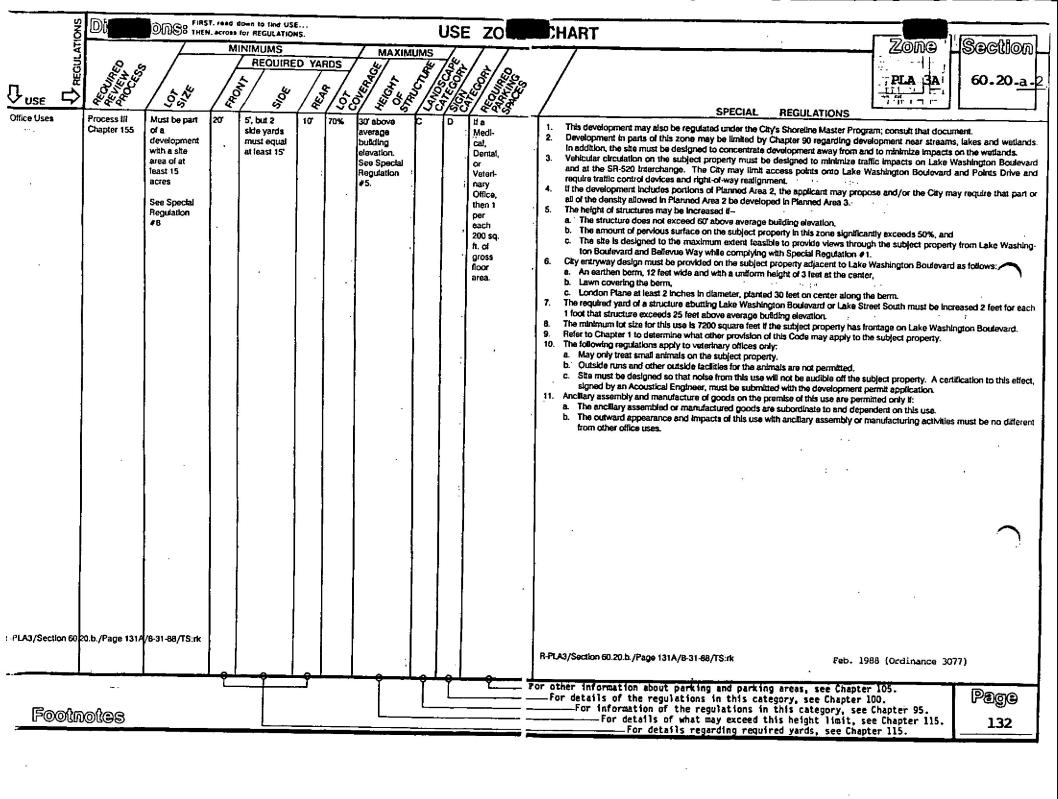
Mayor

APPROVED AS TO FORM:

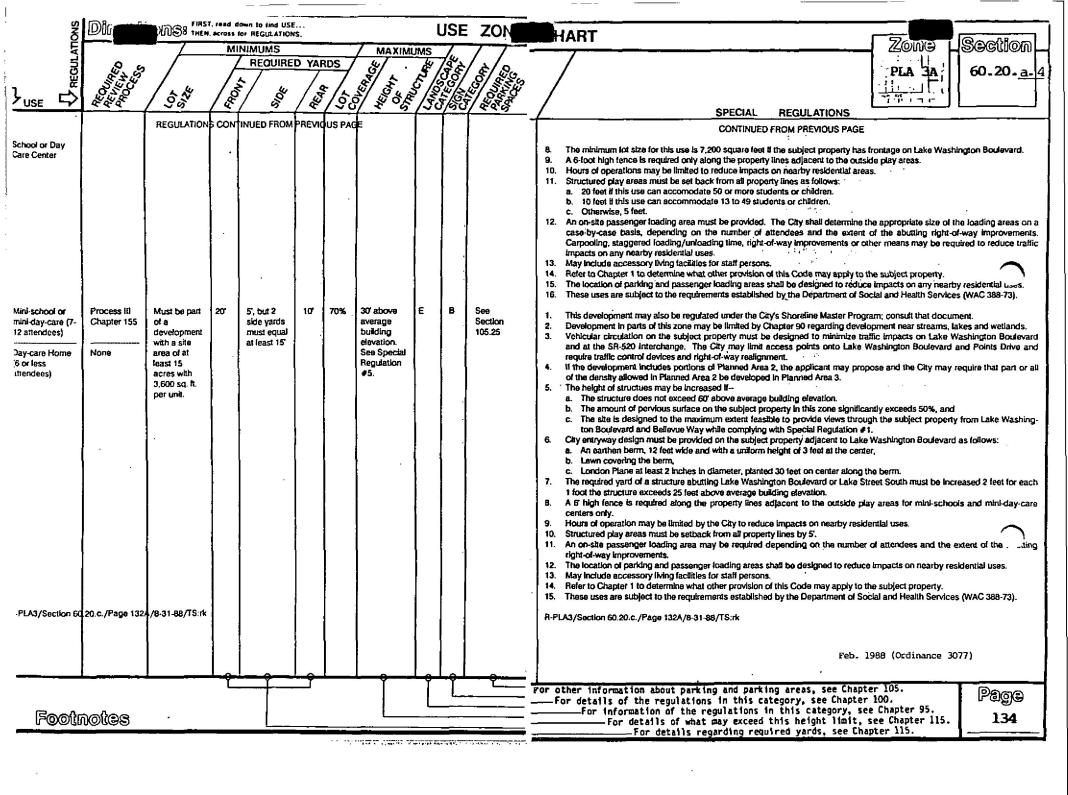
City Attorney

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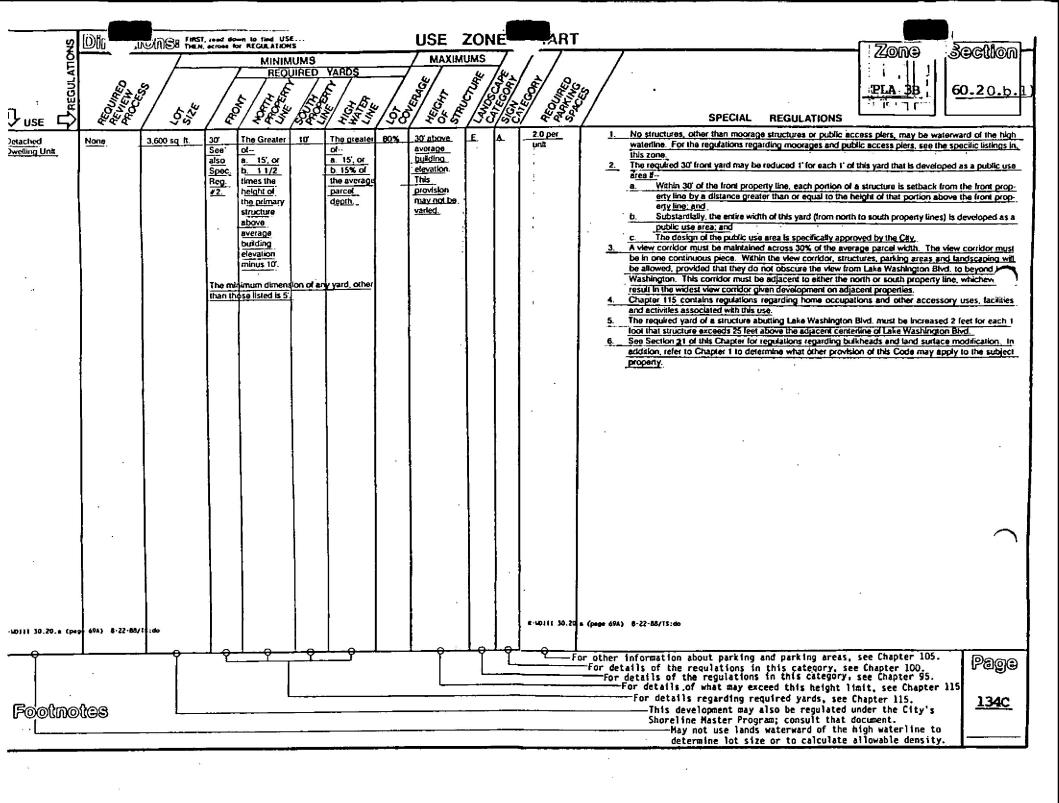


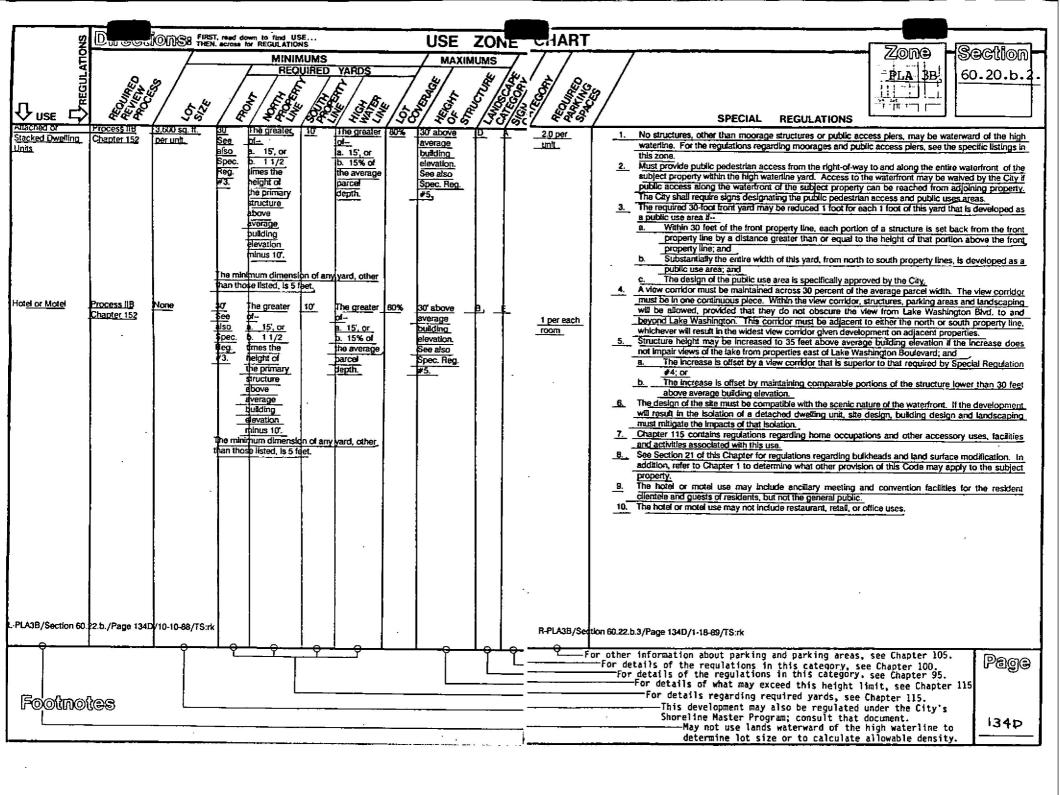
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Development Containing Attached, or Stacked Dwelling Units and Office uses. See Special Regu- lation #1.	Process III Chapter 155	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	20'	5°, but 2 side yards must equal at least 15°	10	70%	30' above average building elevation. See Special Regulation #6	c	D	See Section 105.25	 This development may also be regulated under the City's Shoreline Master Program; consult that document. A veterinary office is not permitted in any development containing dwelling units. Development in parts of this zone may be limited by Chapter 90 regarding development near streams, lakes and wetlands. In addition, the site must be designed to concentrate development away from and to minimize impacts on the wetlands. Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard and at the SR-520 Interchange. The City may limit access points onto Lake Washington Boulevard and at the SR-520 Interchange. The City may limit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right of way realignment. If the development includes pontions of Planned Area 2, the applicant may propose and/or the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. The height of structures may be increased if—
School or Day Jare Center	Process III Chapter 155	Must be part of a development with a site area of at least 15 acres. See Special Regulation #B.	50 or s childre 50'	rse can accommore students on, then 50' on each side use can accom 9 students or c 20' on each side Otherwise, 5', but 2 side yards must equal at least 15'	50' 50' odate hildren		30' above average building elevation. See Special Regulation #5.	۵	В	See Section 105.25	 This development may also be regulated under the City's Shoretine Master Program; consult that document. Development in parts of this zone may be limited by Chapter 90 regarding development near streams, takes and wetlands. In addition, the site must be designed to concentrate development away from and to minimize impacts on the wetlands. Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard and at the SR-520 Interchange. The City may Ilmit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right-of-way realignment. If the development includes portions of Planned Area 2, the applicant may propose and/or the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. The height of structures may be increased if— The structure does not exceed 60 above average building elevation. The structure does not exceed 60 above average building elevation. The structure does not exceed 60 above average building elevation. Chy entryway design must be provided on the subject property in this zone significantly exceeds 50%, and
PLA3/Section 60	20.c./Page 132,	/B-31-88/TS:rk					_				R-PLA3/Section 60.20.c./Page 132/B-31-88/TS:rk Feb. 1988 (Ordinance 3077)
Footi	notes	· -	<u>* </u>								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.

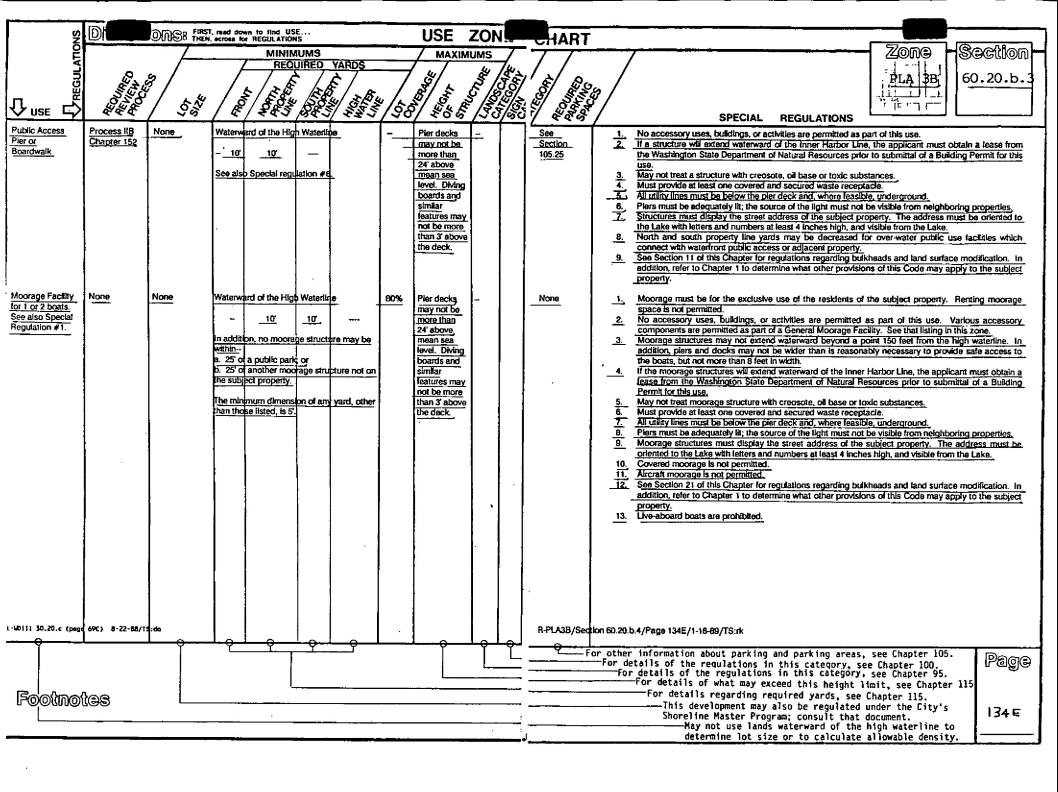


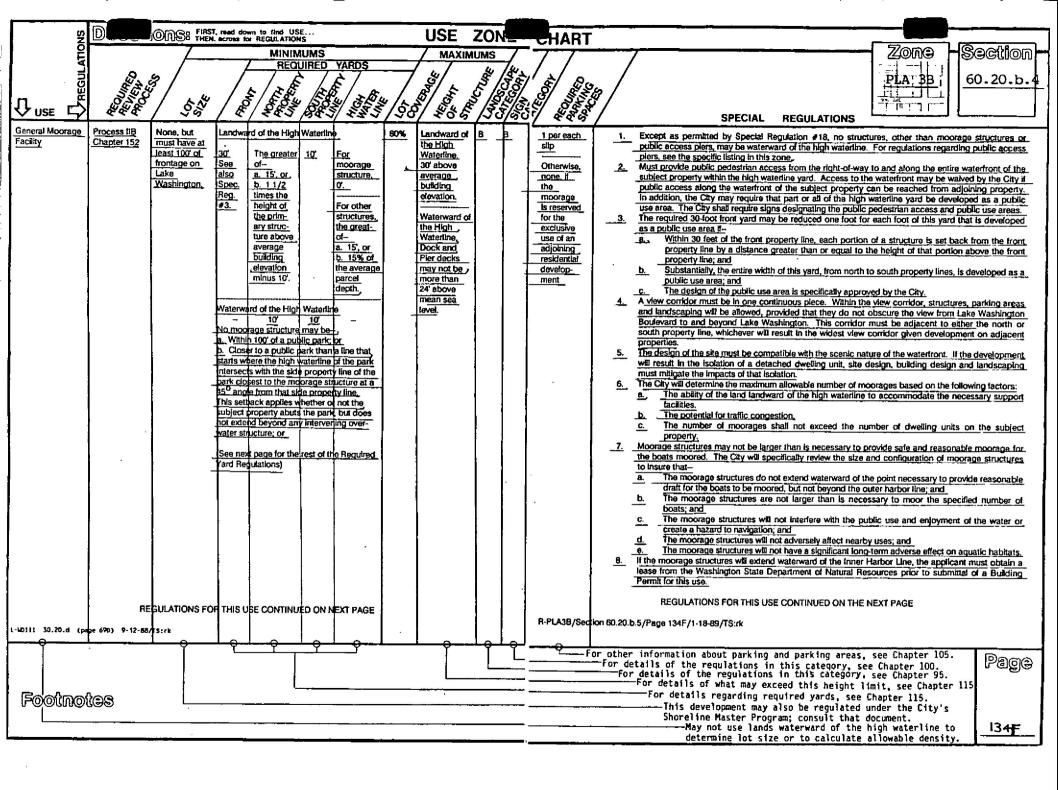
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Convalescent Center or Nursing Home	Process III Chapter 155	Must be part of a development with a site area of at least 15 acres. See Special Regulation #8	20	10' on each side	10'	70%	30' above average building elevation. See Special Regulation #5.	С	В	1 for each bed	for 2. Development may also be regulated under the Cay's Shoreane Master Program; consult that document. Development in parts of this zone may be limited by Chapter 90 regarding development near streams, takes and we line addition, the site must be designed to concentrate development away from and to minimize impacts on the wettant.	ds. oulevard inve and it part or Vashing- for each		
Church	Process IIB Chapter 152	Must be part of a development with a site area of at least 15 acres. See Special Regulation #8.	20'	20' on each side	20'	70%	80% above average building elevation, See Special Regulation #5.	C	В	1 for every people based on maximum occupancy load o any area o worship. See Special Rogultation #10	In addition, the site must be designed to concentrate development away from and to minimize impacts on the wetland vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Board at the SR-520 Interchange. The City may limit access points onto Lake Washington Board and at the SR-520 Interchange. The City may realignment. 4. If the development includes portions of Planned Area 2, the applicant may propose and the City may require that particular of the density allowed in Planned Area 2 be developed in Planned Area 3. 5. The height of structures may be increased #	ds. Dufevard rive and art or all rashing-		
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Footin	oles							L		Y.	or 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.			
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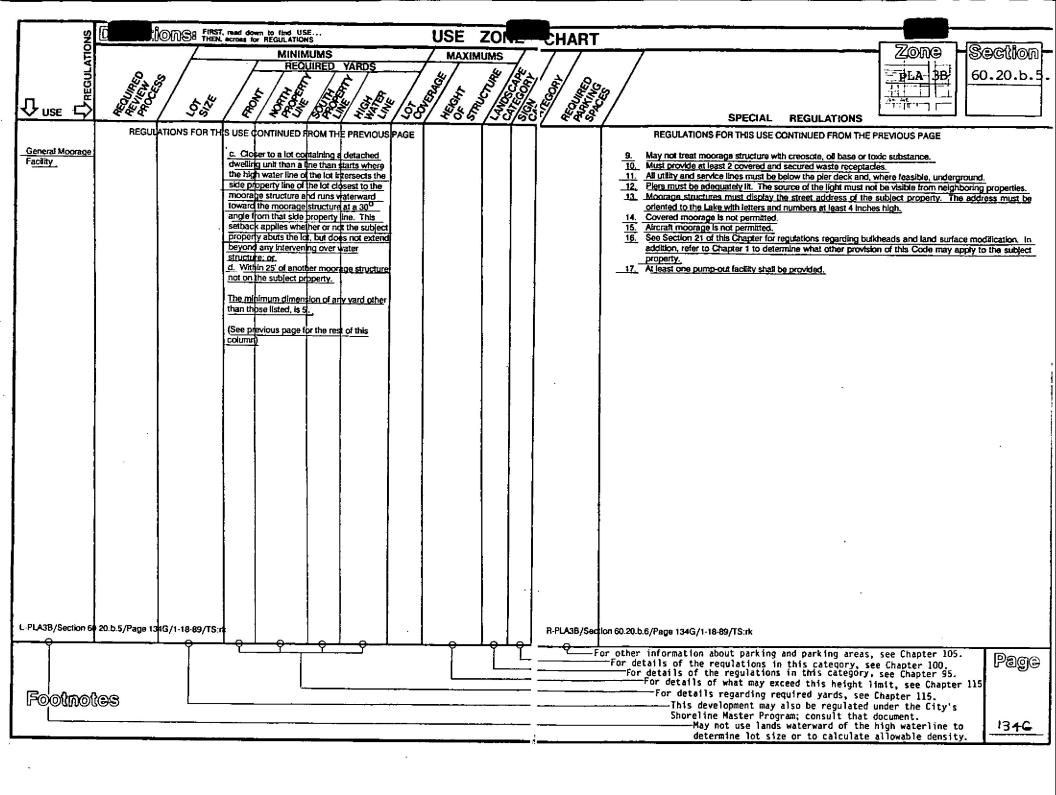
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Public Utility	Process IIB Chapter 152	None	20'	20' on each side	10'	70'	30' above average building elevation	A	В	See Section 105.25	 This development may also be regulated under the City's Shoreline Master Program; consult that document. Development in parts of this zone may be limited by Chapter 90 regarding development near streams, lakes and wetland. In addition, the site must be designed to concentrate development away from and to minimize impacts on the wetlands. May be permitted only if locating this use in the immediate area of the subject property is necessary to permit effective service to the area or the City as a whole. City entryway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows:
Government Facility	Process IIB Chapter 152	None	20'	10' on each side	10'	70%	30' above average building elevation	C See Spc. Reg. #7	В	Sea Section 105.25	 a. An earthen berm, 12 feet wide and with a uniform height of 3 feet at the center, b. Lawn covering the berm, c. London Plane at least 2 inches in diameter, planted 30 feet on center along the berm. 5. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 25 feet above average building elevation. 6. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 7. For a Government Facility use, Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
Public Transit Center	None	None	or .	o' .	ď	100%	15' above average building . elevation	-	See Spc. Reg. #2	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.
Public Park	See Special Regulations #3 and #4.	Will be determine	ed on a	a case-by-case	basis				В	See Section 105.25	 Any portion of the park located within the wetland must be devoted exclusively to passive recreation that is not consumpting of the natural environment. In addition, the park must be designed to minimize impacts on the wetland. City entryway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows: An earthen berm, 12 feet wide and with a uniform height of 3 feet at the center, Lawn covering the berm, London Plane at least 2 inches in diameter, planted 30 feet on center along the berm. Development and use of a park does not require a development permit under this Code if— 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— Will not involve lighting for outdoor nighttlime 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 #3 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: 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.
L-PLA3/Section 60	20.e./Page 134	/3-31-88/T\$:rk									June 1988 (Ordinance 3101) R-PLA3/Section 60.20.e./Page 134/8-31-88/TS:rk Feb. 1988 (Ordinance 3077)
Footi	notes		<u> </u>						Ľ.		Por 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.

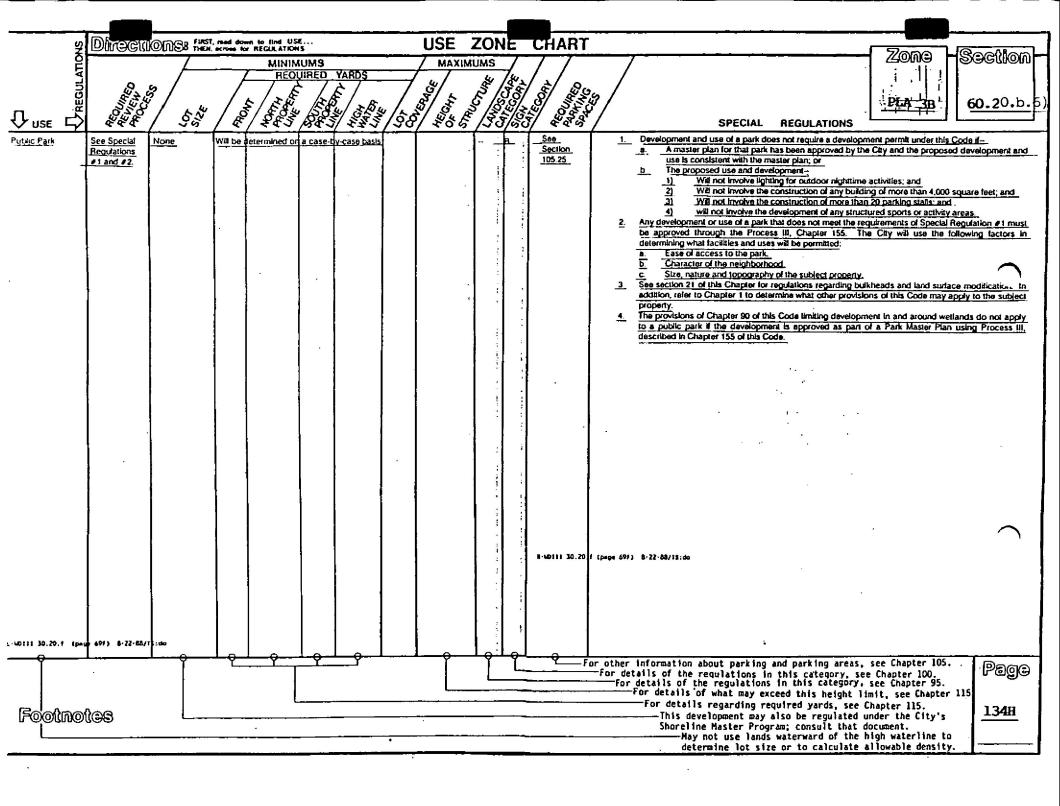


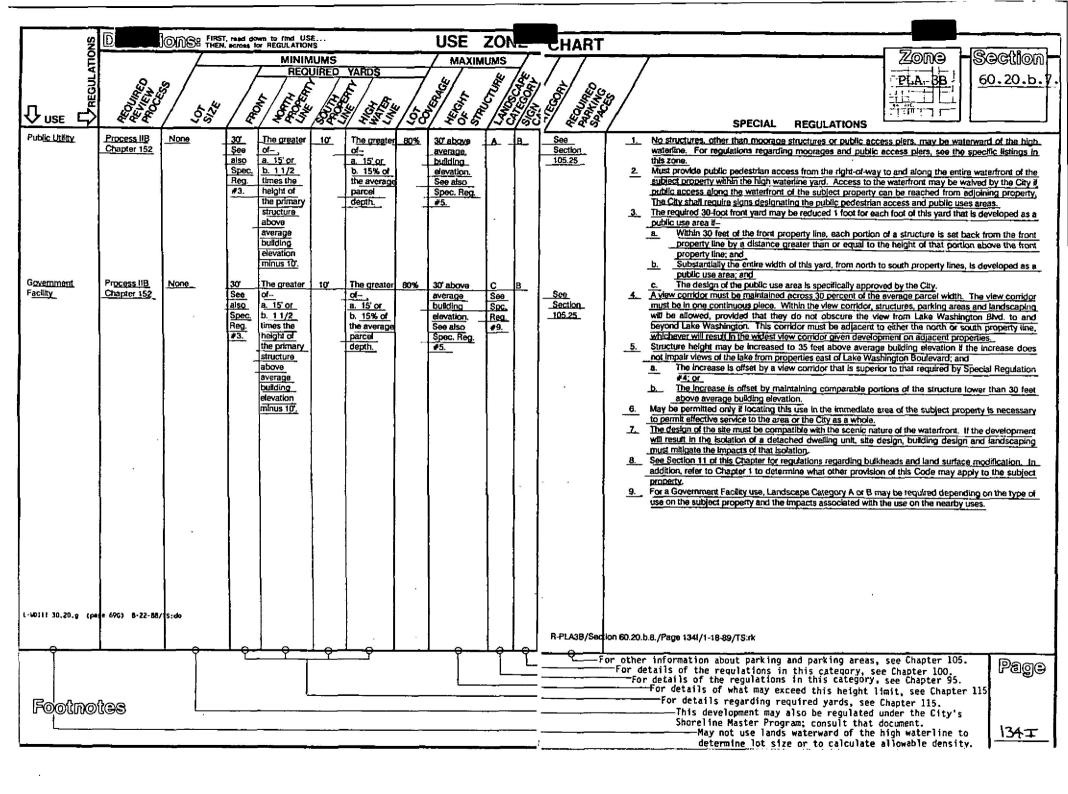


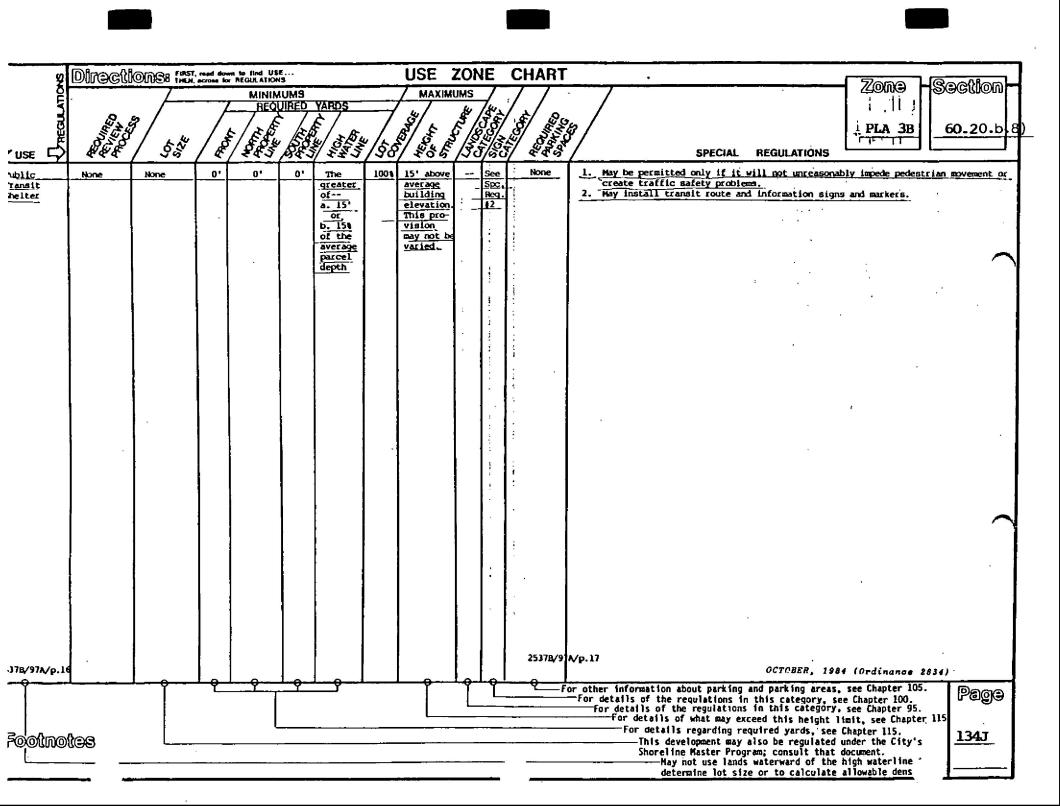












60.21 Bulkhea and Land Surface Modific ion

1. Bulkheads

- a. <u>General</u> <u>Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this Section.</u>
- 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 stablilize the shoreline to prevent significant erosion.
- d. Prohibited 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 designed to minimize the transmittal of wave energy to other properties.
- f. Placement of the Bulkhead The bulkhead may not extend waterward of the 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.

- 2. Land Su 1ce Modification Waterwar of the High Water
 - 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 Process IIB.

 described in Chapter 152 of this Code, to review and decide upon an application for a land surface modification waterward of the high waterline.

 This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
 - c. Allowable Reasons The City may approve an application for a land surface modification waterward of the high waterline only if --
 - 1) No unique or significant natural area of flora or fauna will be destroyed; and
 - The land surface modification will not.

 result in erosion of the shoreline or undermine stability of neighboring properties; and
 - 3) Either -
 - a) The application is filed by a public agency to improve navigability, or public safety; or
 - b) The application is to create a public use or recreation area; or
 - c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or
 - d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.
 - d. Requirements for Dredging If the land surface modification involves dredging, the following regulations apply:
 - 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 development activity on the subject property.
 - 2) The applicant shall restore any beneficial vegetation disturbed during dredging.

- The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.
- e. Requirements for Fill If the land surface modification involves fill, the following regulations apply:
 - 1) Material Used for Landfill The material used in the landfill 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.
 - 2) Use of Vegetation Exposed fill areas must be stabilized with vegetation.
- 3. <u>Land Surface Modification Within the High Waterline Yard.</u>
 - a. General Land surface modification in the high waterline yard is 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 land surface modification within the high waterline yard.

 This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.
 - c. Allowable Reasons The City may approve an application for a land surface modification within the high waterline yard only if--
 - No unique or significant natural area of flora or fauna will be destroyed; and
 - 2) Either-
 - a) The application is filed by a public agency to improve public safety, recreation, or access; or
 - The application is part of a development proposal for the subject property. and is to improve access to a pier or beach;
 - c) The land surface modification is necessary to provide public access; or
 - The land surface modification is necessary to the structural safety of a structure;

- e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or
- f) This application is part of an application for a bulkhead approved under paragraph 1 of this Section. For backfill landward of a bulkhead, see Paragraph 1.h. of this Section.
- d. Material Used for Landfill The-material used in a landfill 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.
- e. Use of Vegetation The applicant shall stablilize exposed areas left after land surface modification with vegetation.
- f. Disposition of Excavated Materials 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 development
 activity.
- 4. Land Surface Modification Landward of the High Waterline Yard Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 of this Code for those regulations.
- 5. Emergency Measures An applicant may erect a temporary bulkhead and take other 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.

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SUMMARY OF ORDINANCE NO. 3149

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-88-116).

Section 1. Amends the sections and subsections (text and use zone charts) of Ordinance 2740, as amended, the Kirkland Zoning Ordinance, relating to Planned Area 3, to divide Planned Area 3 into two sub-planned areas (PLA 3A and PLA 3B), by adding the following new sections and subsections (text and use zone charts) applicable to Planned Area 3B:

60.20.b.1 60.20.b.2 60.20.b.3 60.20.b.4 60.20.b.5 60.20.b.6 60.20.b.7 60.20.b.8 60.21

Subsections 60.20.a through 60.20.d, inclusive, (now applicable to PLA 3A only), are redesignated as Subsections 60.20.a.1 through 60.20.a.4, inclusive.

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 17th day of January , 1989.

I certify that the foregoing is a summary of Ordinance No.~3149, approved by the Kirkland City Council for Summary Publication.