

ORDINANCE NO. 3524

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-95-52), AMENDING CHAPTER 105, CHAPTER 115, AND CHAPTER 162.

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 January 31, 1996, and bearing Kirkland Department of Planning and Community Development File No. IV-95-52; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on January 11, 1996, 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 nonsignificance, 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.

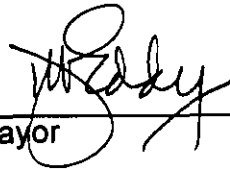
Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance

shall become effective within the Houghton Community 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 20th day of February, 1996.


SIGNED IN AUTHENTICATION thereof this 20th day of February, 1996.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

## CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

- 105.05 User Guide
- 105.10 Vehicular Access Easement or Tract Standards
- 105.12 Maximum Allowable Grade
- 105.15 Exception in the CBD
- 105.17 Site Plan Review
- 105.18 Pedestrian, Bicycle, and Transit Facilities
- 105.20 Number of Spaces - Minimum
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- 105.40 Location of Parking Areas - General
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- 105.97 Parking Area Design - Backing Onto Street Prohibited
- 105.100 Parking Area Design - Surface Materials
- 105.102 Parking Area Design - Streets Use in Circulation Pattern
- 105.103 Modifications
- 105.104 Planning Director Authority to Adopt Standards
- 105.105 Appeals
- 105.106 Bonds

105.05 User Guide

This Chapter contains information on vehicle and pedestrian circulation areas, parking areas, and related improvements. For the most part, this Chapter will not tell you how many parking spaces are required for a particular use. This information is listed for most uses in the use zone charts. However, this Chapter does provide a mechanism for determining the specific parking requirement for some uses. It also contains a mechanism for requesting permission to increase or decrease the parking requirements of this Code. Finally, this Chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular and pedestrian circulation areas.

105.10 Vehicular Access Easement or Tract Standards

1. Roadway Widths - For vehicular access easements or tracts, minimum standards for widths are established as follows:

- a. For 1-4 detached dwelling units or 1-2 duplex structures served by an easement or tract: The minimum standard is 16 feet of unobstructed pavement in a 20-foot wide easement. For easements or tracts less than 100 feet in length, the Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot wide easement if the easement and abutting driveways are located to allow for safe ingress and egress.
- b. For 5 or more detached dwelling units, a dedicated and improved public right-of-way is required. See Chapter 110 of the Code for the required improvements.
- c. For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot wide easement or tract.
- d. A greater pavement width and/or easement or tract width may be required by the Departments of Public Works, Fire, or Planning as determined on a case-by-case basis.

## 2. General

- a. For paragraph 1.a. above, a dwelling unit that meets the following criteria shall not be counted as a "served dwelling unit" on a vehicular access easement or tract (see Plate 21):
  - 1. The dwelling unit is on a lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and
  - 2. The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.
- b. For Paragraph 1.a. above, the length of the easement or tract shall be measured from the serving improved public right-of-way to the front property line of the furthest lot at the end of the easement or tract.
- c. Vehicular access rights for each lot served by the easement or tract shall be established either by segregating the roadway into a separate tract in which each lot served has an undivided ownership interest and recording the tract document, or by recording a vehicular access easement document. The recorded documents must establish equal maintenance responsibilities for the owners of all lots served by the roadway and require the owners to erect and maintain a sign where the easement or tract joins the serving improved public right-of-way to identify the roadway as "private."
- d. The paved surface in an easement or tract shall have a minimum of 2 inches of asphalt concrete over a suitably prepared base which has a minimum thickness of 4 inches of crushed rock or 3 inches of asphalt treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis.

- e. A minimum unobstructed vertical clearance of 13 feet, 6 inches shall be provided in the easement or tract. The easement or tract shall remain unobstructed at all times. No parking, structures or vegetation, with the exception of grass, shall be permitted in the easement or tract.
- f. The paved surface in the easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract.
- g. See Section 105.20 for providing adequate guest parking spaces.

#### 105.12 Maximum Allowable Grade

The slope of vehicular access easements and tracts, and the slope of entrance and exit driveways, except driveways for detached single family residences, shall not exceed 6% for the first 20 feet from the face of the abutting right-of-way curb. Thereafter, the slope shall not exceed 15%. The departments of Public Works and Fire are authorized to modify the standards for maximum allowable grade on a case-by-case basis.

#### 105.15 Exception in the CBD

If the subject property is within the Central Business District Zone, the requirements contained within Chapter 50 of this Code supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with Chapter 50 of this Code, apply to properties in the CBD.

#### 105.17 Site Plan Review

Before commencing any development activity on a new parking area or any alteration or improvement to an existing parking area (except routine maintenance), the applicant must submit a site plan for approval by the planning department. Parking areas must comply with the Zoning Code. The site plan must be drawn to scale and show the following items:

1. All buildings on the subject property.
2. All parking and driving areas and pedestrian and bicycle facilities on the subject property.
3. All landscaping and buffering on the subject property.
4. The nature of the use of all adjoining properties.
5. All adjoining rights-of-way.
6. All transit stops and/or facilities on abutting rights-of-way.

#### 105.18 Pedestrian, Bicycle, and Transit Facilities

1. The applicant shall comply with the requirements for each use specified in the following chart.

Requirements <sup>1</sup> ↴	Use on Subject Property ↴	Multifamily (except single duplex structures)	Office	Retail	Restaurants and Taverns	Institutional Uses and Community Facilities	Industrial
Provide pedestrian walkways designed to minimize walking distances from the building entrance to the right-of-way, and adjacent transit facilities.		X	X	X	X	X	X
Provide covered bicycle parking within 50 feet of an entrance to the building.		X	X	X	X	X	X
Provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.		X	X	X	X	X	
Provide pedestrian walkways connecting to adjacent properties with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities. Barriers which limit future pedestrian access are not permitted.		X <sup>2</sup>	X	X	X	X	X <sup>3</sup>
Locate service bays away from pedestrian areas.			X	X	X	X	X
Provide overhead weather protection along any portion of the building which is adjacent to a pedestrian walkway.			X	X	X	X	

- 1 See Chapter 110, Section 60 of the Zoning Code for additional walkway requirements.
- 2 Not required to connect to adjacent properties with industrial uses.
- 3 Not required to connect to adjacent properties with industrial or residential uses.

**2. Development standards required for improvements:**

**a. Pedestrian walkways:**

- 1) Must be at least 5' wide;
- 2) Must be distinguishable from traffic lanes by pavement texture or elevation;
- 3) Must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground; and
- 4) Will not be included with other impervious surfaces for lot coverage calculations.

b. Overhead weather protection:

- 1) May be composed of awnings, marquis, canopies or building overhangs:
- 2) Must cover at least 3' of the width of the adjacent walkway; and
- 3) Must be at least 8 feet above the ground immediately below it.

105.20 Number of Spaces - Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this Chapter.

The square footage of pedestrian, transit, and/or bicycle facilities on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls. See also Section 105.103.3.c of this chapter.

For residential uses, the City may require guest parking spaces in excess of the required parking spaces if there is inadequate guest parking on the subject property.

105.25 Number of Spaces - Not Specified in Use Zones

If this Code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

105.30 Number of Spaces - Fractions

If the required formula for determining the number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

105.40 Location of Parking Areas - General

Unless otherwise specified, the applicant shall provide the required number of parking spaces either--

- a. On the lot(s) containing the proposed use which generates the parking space(s) requirement; or
- b. On a lot adjoining a. above if that lot is in a zone that permits the use conducted on the subject property.

For situation b. above, where the lot is not owned by the same person who owns the lot containing the proposed use which generates the parking space requirements, the owner of the lot containing the parking must sign a statement in a form acceptable to the City Attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The applicant must file this statement with the King County Bureau of Elections and Records to run with the property.

105.45 Location of Parking Areas - Shared Facilities

Two or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the King County Bureau of Elections and Records to run with the properties.

105.50 Location of Parking Areas - Adjoining Low Density Zones

The applicant shall locate a parking area for a use other than a detached dwelling unit as far as possible from any adjoining low density zone, or existing low density permitted use.

105.55 Location of Parking Areas - Required Setback Yards

For regulations on parking areas in required setback yards, see Chapter 115 of this Code.

105.60 Parking Area Design - General

1. The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 of this Code. These plates apply to parking for all uses except detached dwelling units.
2. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.
3. Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.
4. All parking lots which contain more than 25 stalls, must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards outlined in Section 105.18.2.a of this chapter.
5. Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.

105.62 Parking Area Design - Turnaround Space

All parking stalls located at the end of a dead end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows (see also Plate 20):

<u>Width of Driving Aisle</u>	<u>Depth of Turnaround Space</u>
24' or less	6'
25'	5'
26'	4'
27'	3'
28'	2'
29'	1'
30'	0'



105.65 Parking Area Design - Compact Car Spaces

The applicant may develop and designate up to 50% of the number of parking spaces for compact cars.

105.70 Parking Area Design - Parking Designed for the Handicapped

The applicant shall design the parking area using standards set forth in Chapter 75 of the Uniform Building Code regarding parking for handicapped persons.

105.75 Parking Area Design - Landscaping

1. General - Except as specified in paragraph 2 of this section, the applicant shall arrange the spaces so that there are no more than 8 contiguous spaces in each row of spaces. An island or peninsula of the same dimensions as the adjacent parking stalls must separate adjacent groups of spaces from one another and each row of spaces from any adjacent driveway which runs perpendicular to the row. This island or peninsula must be surrounded by a 6" high vertical curb and must be landscaped with at least one deciduous tree, 2" in diameter as measured using the standards of the American Association of Nurserymen or a coniferous tree 5' in height.
2. Exception - The requirements of paragraph 1 of this section do not apply to any parking area that--
  - a. Is within the CBD zone; or
  - b. Is within or under a building; or
  - c. Contains less than 14 parking spaces; or
  - d. Is within the JBD zone and requires JBD design regulation compliance.

105.77 Parking Area Design - Curbing

All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

105.80 Parking Area Design - Buffering

1. General - Except as specified in paragraph 2 of this section, the applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip along the perimeter of the parking areas and driveways planted as follows:
  - a. One row of trees, 2" in diameter as measured using the standards of the American Association of Nurserymen, planted 30 feet on center along the entire length of the strip. No more than 25% of the required trees may be deciduous.
  - b. Ground cover planted to attain a coverage of at least 60% of the strip area within 2 years.

2. Exception - The requirements of paragraph 1 of this section do not apply to any parking area that--
  - a. Is within the CBD zone; or
  - b. Is within or under a building; or
  - c. Serves detached dwelling units exclusively; or
  - d. Is a shared parking area serving two or more adjacent uses, or
  - e. Is within the JBD zone and requires JBD design regulation compliance.
  
3. Overlapping Requirements - If buffering is required under Chapter 95 of this Code and by this Section, the applicant shall utilize the more stringent buffering requirement.
  
4. Significant Natural Vegetation
  - a. General - The applicant may use significant natural vegetation to meet all or part of the requirements of paragraph 1 of this Section.
  - b. Protection Techniques - The applicant shall use the protection techniques described in Chapter 95 of this Code to ensure the protection of significant natural vegetation.
  - c. Supplement - The City may require the applicant to plant trees and shrubs according to the requirements of paragraph 1 of this Section to supplement the retained significant natural vegetation in order to provide a buffer at least as efficient as the required standard.

105.85 Parking Area Design - Dedication

The City may require the applicant to dedicate development rights, air space, or an open space easement to the City in order to ensure the preservation of significant natural vegetation or planted materials.

105.90 Parking Area Design - Plant Choice

The provisions of Chapter 95 of this Code regarding plant choice apply to the landscaping and buffering required in this Chapter.

105.95 Parking Area Design - Traffic Control Devices

If the parking area serves a use other than a detached dwelling unit, the applicant shall clearly delineate parking spaces, traffic direction, and entrance and exitways. The City may require other traffic control devices necessary to ensure the safe and efficient flow of traffic.

105.97 Parking Area Design - Backing onto Street Prohibited

Parking areas for uses other than detached dwelling units must be designed so that traffic need not back onto any street.

105.100 Parking Area Design - Surface Materials

1. General - The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area.
2. Exception - Grass grid pavers may be used for emergency access areas that are not used in required permanent circulation and parking areas.

105.102 Parking Area Design - Streets Used in Circulation Pattern

If a parking lot is designed so that a street is used as part of the circulation pattern, the parking lot must be designed so that traffic turning into or out of the parking area need not cross any moving lanes of traffic in the street. See Plate 8a.

105.103 Modifications

1. General - The provisions of this Section establish under what circumstances the requirement of this Chapter may be modified.
2. Authority to Grant and Duration
  - a. If the proposed development of the subject property requires approval through Processes I, IIA, IIB, or III, described in Chapters 145, 150, 152 and 155 of this Code respectively, a request for a modification will be considered as part of that process under the provisions of this Section. The City must find that the applicant meets the criteria listed below in Section 105.103.3. If granted under Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within 5 years of the granting of the modification.
  - b. If paragraph 2.a. above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
3. Modifications - The Planning Official may require or grant a modification to required improvement in this Chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
  - a. For a modification to Section 105.10 for vehicular access easements or tracts and for Sections 105.60 and 105.97 for parking area design, the requirements may be modified if:
    - 1) The modifications will not affect the ability to provide any property with police, fire, emergency-medical, or other essential services; and
    - 2) One of the following requirements is met:
      - a) The modification is necessary because of a pre-existing physical condition; or

- b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.

b. For a modification to Section 105.18, the requirements for pedestrian, bicycle, and transit facilities may be modified if:

- 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
- 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
- 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

cb. For a modification to Sections 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking study to be sufficient to fully serve the use.

A decrease in the minimum required number of spaces may be based in whole or part on the provision of pedestrian, transit, and/or bicycle facilities. These facilities are not included in the gross floor area square footage calculation used to determine required number of parking stalls and may include:

- 1) Bicycle lockers, showers, and locker rooms in commercial buildings;
- 2) Transit shelters;
- 3) Public plazas and landscaped sitting areas; or
- 4) Other improvements proposed by the applicant.

de. For a modification to Section 105.40, the requirements for parking area location may be modified if:

- 1) The proposed parking area will have no adverse impacts on adjacent properties;
- 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
- 3) A safe pedestrian and/or shuttle connection exists, or will be created between the subject use and the proposed parking area.

ed. For a modification to Section 105.75, the landscape requirements may be modified if:

- 1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or
  - 2) The modification will result in increased retention of significant natural vegetation.
- fe.** For a modification to Section 105.77, the curbing requirement for parking areas and driveways may be modified if:
- 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
  - 2) The modification will not result in increased hazards for pedestrians or vehicles; and
  - 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or right-of-ways.
- gf.** For a modification to Section 105.80, the buffering requirements for parking areas and driveways may be modified if:
- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
  - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
  - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by Section 105.80 of this Chapter.
- hg.** For a modification to Section 105.100, the surface material requirement for parking areas and driveways may be modified if:
- 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
  - 2) The material will provide a parking surface which is usable on a year-round basis.

105.104 Planning Director Authority to Adopt Standards

1. The Planning Director is authorized to develop, consistent with this Chapter, any additional dimensional or similar standards that may be necessary for implementation of this Chapter.
2. The City shall enforce any standards established under paragraph 1. of this section as if they were part of this Code.

105.105 Appeals

Modifications granted by the Planning Official under Section 105.103 of this Chapter and Standards established by the Planning Director under Section 105.104 may be appealed using the appeal provisions of Process I of this Code, Sections 145.60 through 145.100.

105.106

Bonds

The City may require or permit a bond under Chapter 175 of this Code to ensure compliance with any of the requirements of this Chapter.

2. State Code - The applicant shall comply with the Washington State Energy Code with respect to the selection and regulation of light sources.
3. Glare From Subject Property Prohibited - The applicant shall select, place and direct light sources both directable and non-directable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

115.90

Calculating Lot Coverage

1. General - The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
2. Exceptions
  - a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.
  - b. If the subject property is served by an access easement or tract, it shall be used in calculating lot coverage unless the access easement serves more than one lot that does not abut a right-of-way.
  - c. Grass grid pavers will be calculated as impervious surface at a ratio of 50 percent of the total area covered.
  - d. Outdoor swimming pools
  - e. Pedestrian walkways required by Section 105.18 and Section 105.60.2.

115.95

Noise Regulations

1. Maximum Environmental Noise Levels
  - a. State Standard Adopted - The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.
  - b. Watercraft Noise Performance Standards - The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.
  - c. Availability - These regulations are available for inspection and copying in the Planning Department during regular business hours.
2. Noise - Public Nuisance - Any noise which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.
3. Bonds - The City may require a bond under Chapter 175 of this code to insure compliance with the provisions of this Section.

115.100

Odor

Any odor which injures, endangers the comfort, repose, health or safety of person on abutting properties or streets, or in any way renders persons insecure in life, or in the use of abutting properties or streets is a violation of this Code.

## d. Exception for Repair and Maintenance -

Repair and maintenance work to any non-conforming sign is excepted from the provisions of this chapter, subject only to the following:

- 1) The repair or maintenance work will not increase the degree or magnitude of non-conformance.
- 2) If the repair or maintenance work requires a Building or Sign Permit, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor non-conforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time the prescribed minor non-conforming element(s) is not brought into conformance.
- 3) For purposes of this section, repair shall mean the work that is necessary to restore a sign to its former appearance subsequent to a sudden, accidental event.

6. Non-Conforming Landscaping, buffers, and Paving, Parking Area Design, and Pedestrian, Bicycle, and Transit Facilities

- a. The landscaping requirements of Sections 95.20, 105.75, and 105.80; the pedestrian, bicycle, and transit facilities requirements of Section 105.18; and the parking area design requirements in Sections 105.60.3, 105.60.4, and 105.60.5 must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
  - 1) An increase in gross floor area of any structure; or
  - 2) An alteration to any structure, the cost of which exceeds 50% of the replacement cost of the structure.
- b. Landscape buffers must be brought into conformance in either of the following situations:
  - 1) An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only to the new gross floor area); or
  - 2) A change in use on the subject property and the new use requires larger buffers than the former use.
- c. Parking lot surfaces must be brought into conformance in any of the following situations:
  - 1) An increase in gross floor area of any use; or
  - 2) A change in use on the subject property and the new use requires more parking than the former use; or



PUBLICATION SUMMARY OF ORDINANCE NO. 3524

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-95-52), AMENDING CHAPTER 105, CHAPTER 115, AND CHAPTER 162.

Section 1. Amends or adds to the following chapters and sections of the Zoning Code:

Chapter 105 - Parking and Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

105.05	User Guide
105.17	Site Plan Review
105.18	Pedestrian, Bicycle, and Transit Facilities
105.20	Number of Spaces - Minimum
105.60	Parking Area Design - General
105.103	Modifications

Chapter 115 - Miscellaneous Use Development and Performance Standards

115.90 Calculating Lot Coverage

Chapter 162 - Non-Conformance

162.35.6 Non-Conforming Landscaping, Buffers, and Paving

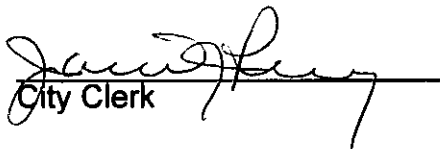
Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Provides that the ordinance shall not be effective with the Houghton Municipal Corporation if disapproved by the Houghton Community Council within 60 days of the date of the passage of this ordinance.

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 20th day of February, 1996.

I certify that the foregoing is a summary of Ordinance 3524 approved by the Kirkland City Council for summary publication.

  
City Clerk