

ORDINANCE NO. 3605

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-97-62).

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 24, 1997, and bearing Kirkland Department of Planning and Community Development File No. VI-97-62; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 9, 1997, 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. This ordinance repeals Section 2 of Ordinance No. 3577, which stated that "Detached structures shall not be permitted with a RS 35 or the PLA 16 zone until January 31, 1998, under authority of this section of this ordinance."

Section 3. 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 4. 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.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 2nd day of December, 1997.

SIGNED IN AUTHENTICATION THEREOF on this 2nd day of December, 1997.



Mayor

Attest:



Deputy City Clerk

Approved as to Form:



City Attorney

DIRECTIONS: FIRST, read down to find USE. THEN, across for REGULATIONS.		USE ZONE CHART										ZONE	SECTION	
		REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS			MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS	RS	15.10.a
				FRONT	SIDE	REAR	LOT COVERAGE	HEIGHT OF STRUCTURE					RS	15.10.a
USE	REGULATIONS													
Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation #1	20'	5', but 2 side yards must equal at least 15 feet.	10'	50% See Special Reg #3.	25' above average building elevation.	E	A	2.0 per dwelling unit	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 Zones, the minimum lot size is 35,000 square feet. In RS 12.5 Zones, the minimum lot size is 12,500 square feet. In RS 8.5 Zones, the minimum lot size is 8,500 square feet. In RS 7.2 Zones, the minimum lot size is 7,200 square feet. In RS 5.0 Zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation #6 in Chapter 115.20. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 			
Church	See Special Regulation #4	As established on the Zoning Map. See Special Regulation #1.	20'	20' on each side	20' on each side	70%	25' above average building elevation	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation #5	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 Zones, the minimum lot size is 35,000 square feet. In RS 12.5 Zones, the minimum lot size is 12,500 square feet. In RS 8.5 Zones, the minimum lot size is 8,500 square feet. In RS 7.2 Zones, the minimum lot size is 7,200 square feet. In RS 5.0 Zones, the minimum lot size is 5,000 square feet. The property must be served by a collector or arterial street. 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 required review process is as follows: <ol style="list-style-type: none"> If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IA, Chapter 150, provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. No parking is required for day-care or school ancillary to the use. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 			

FOOTNOTES	For other information about parking and parking areas, see Chapter 105.	PAGE 27
	For details of the regulations in this category, see Chapter 100	
	For information of the regulations in this category, see Chapter 95.	
	For details on what may exceed this height limit, see Chapter 115.	
	For details regarding required yards, see Chapter 115.	

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

USE ZONE CHART

ZONE
RSX

SECTION
17.10.a

REGULATIONS ↓ USE	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS REQUIRED YARDS			MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
			FRONT	SIDE	REAR	LOT COVERAGE	HEIGHT OF STRUCTURE				
Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation #1	20'	5' each side See Special Regulation #2.	10'	50% See Special Reg. #4.	30' above average building elevation.	E	A	2.0 per dwelling unit	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RSX 35 Zones, the minimum lot size is 35,000 square feet. In RSX 8.5 Zones, the minimum lot size is 8,500 square feet. In RSX 7.2 Zones, the minimum lot size is 7,200 square feet. In RSX 35, 8.5, and 7.2 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five foot yard). The applicant may select which front yard shall meet the 20-foot requirement. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Residential lots in RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation #6 in Chapter 115.20. Refer to Chapter 11 to determine what other provision of this Code may apply to the subject property.
Church	See Special Regulation #1	As established on the Zoning Map. See Special Regulation #2.	20'	20' on each side	20'	70%	30' above average building elevation	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation #5	<ol style="list-style-type: none"> The required review process is as follows: <ol style="list-style-type: none"> If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIIA, Chapter 150 If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RSX 35 Zones, the minimum lot size is 35,000 square feet. In RSX 8.5 Zones, the minimum lot size is 8,500 square feet. In RSX 7.2 Zones, the minimum lot size is 7,200 square feet. The property must be served by a collector or arterial street. 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 <i>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</i> for further details. No parking is required for day care or school ancillary to the use. Refer to Chapter 11 to determine what other provision of this Code may apply to the subject property.

FOOTNOTES

- For other information about parking and parking areas, see Chapter 105.
- For details of the regulations in this category, see Chapter 100
- For information of the regulations in this category, see Chapter 95.
- For details on what may exceed this height limit, see Chapter 115.
- For details regarding required yards, see Chapter 115.

PAGE
32

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

USE ZONE CHART

ZONE
PLA 16

SECTION
60.85.a

↓ USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS	
			REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE					
			LOT SIZE	FRONT	SIDE							REAR
Detached Dwelling Unit		If lot size is less than 35,000 sq. ft., then— Process III Chapter 155 Otherwise, None	35,000 sq. ft. except as established under Special Regulation #5.	20'	5' but 2 side yards must equal at least 15 feet.	10'	50%	30' above average building elevation	E	A	20 per dwelling unit	<ol style="list-style-type: none"> For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot. Each lot may contain no more than two horses. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation #6 in Chapter 115.20. On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. This use may have a lot size of less than 35,000 square feet if all of the following standards are met: <ol style="list-style-type: none"> The property must contain at least 16 contiguous acres. A Master Plan shall be approved for the entire property. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet. A commercial equestrian facility, including an arena, stables, and paddock areas, must be provided on the property. The facility must meet requirements and special regulations as established for the use listing in this zone entitled: "Commercial Equestrian Facility." An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between NE 60th Street and the Bridle Trails State and King County Parks. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
Commercial Equestrian Facility See Special Regulation #1.		Process #B	3 acres	20'	20' See Special Regulation #2	20'	80%	See Special Regulation #4	C	B	See Section 105.25	<ol style="list-style-type: none"> This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian activities. this use must comply with Sections 80.30 through 45. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. Existing natural vegetation must be maintained to the greatest extent possible. Refer to Chapter 1 to determine what other provisions of this code may apply to the subject property.
Commercial Recreation Area and Use See Special Regulation #1.		Process #B	1 acre	20'		20'	80%	38' above average building elevation. See Special Regulation #3	C	B	See Section 105.25	<ol style="list-style-type: none"> This use may include activities such as: Indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities. Hours of operations may be limited to reduce adverse impacts on a residential neighborhood. Structures exceeding 25 ft. above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. Structures can be placed at existing grade if the structures are located on lower ground than adjacent properties and if the adjacent properties are developed and do not contain residential use. A 20-foot wide site obscuring landscape buffer must be provided along the west and south perimeter of the property. Existing natural vegetation must be maintained to the greatest extent possible. Refer to Chapter 1 to determine what other provisions of this code may apply to the subject property. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.

FOOTNOTES

For other information about parking and parking areas, see Chapter 105.
 For details of the regulations in this category, see Chapter 100
 For information of the regulations in this category, see Chapter 95.
 For details on what may exceed this height limit, see Chapter 115.
 For details regarding required yards, see Chapter 115.

PAGE
225S

TYPE OF ANIMAL ↓ ⇒	Required Review Process	MAXIMUM	MINIMUMS		SPECIAL REGULATIONS
		Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals	<p>If lot size is less than 35,000 sq. ft., then Process I Chapter 145</p> <p>Otherwise none</p>	<p>2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area</p> <p>-----</p> <p>If lot size is less than 35,000 sq. ft., then only 1 horse.</p>	<p>35,000 sq. ft. per dwelling unit</p> <p>-----</p> <p>May be less if approved through Chapter 145, Process I</p>	<p>Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation #1.</p> <p>Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation #1.</p>	<ol style="list-style-type: none"> 1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, <u>horse paddock areas</u> and structures or pens to extend into the property line in common with the abutting property, provided that the structure or pen complies with all other regulations pertaining to setback in that zone. 2. The City may limit the number of animals allowed to less than the maximum considering - <ol style="list-style-type: none"> a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition. 4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure. 5. For residential lots containing one or more horses other than those regulated below in Special Regulation No. 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and useable manner to accommodate the feed storage and manure pile for two horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot. 6. The following regulations apply to residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park and to all residential lots in PLA 16 which are not part of a recorded Master Plan: <ol style="list-style-type: none"> a. Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two horses, capable of being used for a paddock area and barn, having a minimum width of 20 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. This area must be pervious and exclusive of any structures (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, sports courts or paving. b. Up to two additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse. c. Direct access to this area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. d. Horse paddock areas must be set back 5' from each property line which abuts a school use or a residential use other than RS 35, RSX 35 or PLA 16. e. Required horse paddock areas must be set back 10' from habitable dwellings. Livestock barns must be set back 40' from habitable dwellings. f. Livestock barns permitted within the designated paddock area may not exceed 1,200 square foot in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment. g. Special Regulations #2, #3, and #4 apply to this area. h. Interpretations of the zoning code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.

FOOTNOTES