## ORDINANCE NO. 3618

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-97-68).

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 December 18, 1997 and bearing Kirkland Department of Planning and Community Development File No. IV-97-68; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on November 6, 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:

<u>Section 1.</u> 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.

<u>Section 3.</u> 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.

<u>Section 4</u>. 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.

<u>Section 5.</u> A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this <u>6th</u> day of <u>January</u>, 19 <u>98</u>

SIGNED IN AUTHENTICATION thereof this <u>6th</u> day of <u>January</u>, 19 98

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Attest:

tv Clerk

Approved as to Form:

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- 300. <u>Family</u> An individual or two (2) or more persons of not more than four (4) degrees of affinity or consanguinity and including persons under legal guardianship, or a group of not more than five (5) persons who are not related by four (4) or less degrees of affinity or consanguinity.
- <u>302.</u> Family Day-Care Home A child Day-Care operation in the family living quarters of the provider's home for no more than twelve (12) children. (NEW SECTION)
- 305. <u>Fast Food Restaurant</u> An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed ten percent of the gross floor area of the use.
- 310. <u>Fence</u> A man-made wall or barrier constructed for the purpose of enclosing space or separating parcels of land.
- 315. <u>Fill\_Material</u> Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.
- 320. <u>Finished Grade</u> The final contour of the land surface prior to landscaping.
- 325. <u>Floor</u> The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.
- 326. <u>Frequently Flooded Areas</u> As defined in Chapter 90 of this Code.
- 327. <u>Fuel Price Sign</u> A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.
- 328. <u>Geologically Hazardous Areas</u> As defined in Chapter 85 of this Code.
- 330. <u>Glare</u> The reflection of harsh, bright light, or "the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view".
- 335. <u>Government Facility</u> A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
- 340. <u>Gross Floor Area</u> The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 of this Code.
- 345. <u>Ground Floor</u> The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.
- 350. <u>Ground Mounted Sign</u> All of the following: pole signs, pedestal signs and monument signs.
- 351. <u>Hazardous Waste</u> All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (see RCW 70.105.010(15)).

## ATTACHMENT A

- 490. Low Density Zone The following zones: RS 35, RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; PLA 2; PLA 6C, 6E; PLA 16; WD-II and comparable zones in other adjoining jurisdictions, except properties with approved Intent to Rezones to zoning designations other than low density.
- 491. Low Income Household A household whose total gross income is less than or equal to 80% of the median household income in the Seattle Metropolitan Statistical Area. For low income senior citizen households, total assets shall not exceed the maximum established by the City Council.
- 492. Low Income Unit A unit which contains a low income household. In addition, the rent for this type of unit shall not exceed 30% of the gross income of the eligible low income household.
- 500. <u>Marquee Sign</u> Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.
- 505. <u>Master Plan</u> A complete development plan for the subject property showing: placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.
- 510. <u>Maximum Lot Coverage</u> The maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.
- 515. <u>Medium Density Use</u> Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.
- 520. <u>Medium Density Zones</u> The following zones: RM 5.0; RM 3.6; WD-1; WD-1II; PLA 3; PLA 6 B, F, H, K; PLA 7 A and PLA 9.
- 525. <u>Mean Sea Level</u> The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.

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- 527. <u>Mini-Day-Care\_Center</u> A Day-Care operation with seven (7)-to twelve (12) attendees at any one time, not including immediate family members who reside in the center.
- 528. <u>Mini-School</u> A school operation with seven (7) to twelve (12) attendees at any one time, not including immediate family members who reside in the school.
- 529. <u>Minor Improvements</u> As defined in Chapter 90 of this Code.
- 530. <u>Minor Lake</u> As defined in Chapter 90 of this Code.
- 535. Minor Stream Any stream that does not meet the definition of major stream.
- 537. <u>Modify</u> As used in Chapters 75, 122 and 125, the word modify means to allow or require a deviation from the provisions of this Code.

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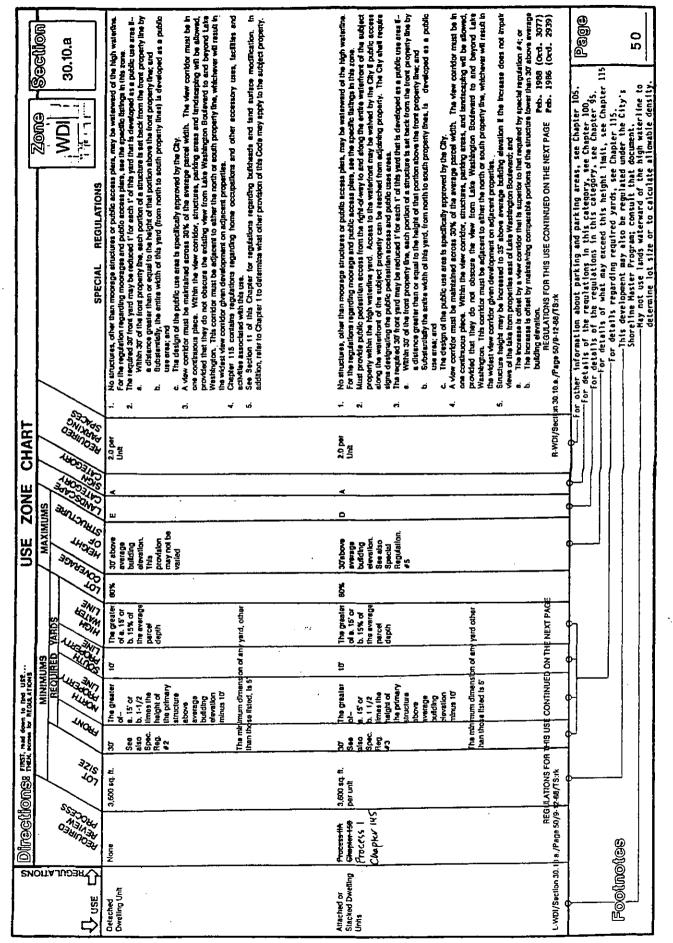
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zc-3015B/12-8-92 FOOTN	_!	s							<ul> <li>All lots will be taken together as the subject property to determine compliance with the requirements of this use.</li> <li>The moorage structure may be built to accommodate two boats for each residential unit on the subject property.</li> <li>The owner of each lot must deed to the City the over-water development right to the property. Upon request, the City will, without cost, deed this right back the owner of a lot, but the number of boats permitted to moor at the shared moorage factity will be reduced by two.</li> <li>See Section 16 of this Chapter for regulations regarding buildheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions about parking and puring areas, see Chapter 105. For details of the regulations in this category, see Chapter 106. For details of the regulations in the antigory, see Chapter 06. For details of the regulations in the antigory, see Chapter 06. For details of the regulations in the antigory, see Chapter 06. For details of the regulations in the antigory and chapter 115. For details of the regulations in the length limit, each Chapter 15. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each Chapter 16. For details of what may acceed the height limit, each chapter 16. For details of what may acceed the height limit, each chapter 16. For details of what may acceed the height limit, each chapter 16. For details of what may acceed the height limit, each chapter 16. For details of what may acceed the height limit, each chapter 16. For details of what may acceed</li></ul>

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Page Section 30.20.b 698 No structures, other thein moorage structures or public access plers, may be waterward of the high welentime. For the regulations regarding moorages and public access plers, see the specific tistings in this zone. Must provide public pedestrian access from the right of way to and abong the entire watertront of the multicat property within the high writerine yard. Access to be writerion may be waterd by the Cay is public access along the watertront of the subject property can be reached from adjoining property. The Cay shall require this estimation the subject property can be reached from adjoining property. The Cay shall require this results and the subject pedestrian access and public uses areas. The required 30-load front yeard may be reduced 1 foot for each foot of this yeard that is developed as a public use area if. Within 30 ellow in the intervent property line, each portion of a mucius is set from the from the from the from the term. property line; and Substantially the entire witth of this yard, from north to south property lines. Is developed as a will be allowed, provided that they do not obscue the wew born Late Westhergion Boulevard to and beyond Late Wasthergrun. This contrior must be adjacent to enther the month or south property line, whichever we issue in the widest wave contridor given development on allocation for the increase does Structure helight may be increased to 35 isent shores arwaingle building elevation if the increase does not impair views of the lake itom properties east of Lake Wasthergrun Boulevard, and The design of the state of the compatible with the scento nature of the waterfront. If the development will result in the totakton of a detached dwelling unit, alle design, building design and landscaping must miligate the impacts of that isolation. and activities essociated with this use. See Section 21 of this Chapter for regulations regarding builtheads and land surface modification. In addition, refer to Chapter 1 to determine what other provision of this Code may apply to the surface Within 30 leat of the front property line, each portion of a structure is sot back from the front property line by a distance greater than or equal to the height of that portion above the front A view conridor must be mahriened scross 30 percent of the everage percel width. The view contridor must be in one continuous piece. Within the view contridor, structures, parking areas and landscaping The Increase is officer by a view corridor that is superior to that required by Special Regulation The Increase is offset by maktahang comparable portions of the structure lower than 30 feet Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities Revised 2/88 other information about parking and parking areas, see Chapter 105. For details of the reculations 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 Programs, consult that document. — Hay not use lands waterward of the high waterline to — May not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use lands waterward of the high waterline to — Hay not use the hay not use the high water line to — Hay not use the high waterward of the high waterline to — Hay not use the high waterward of the high waterline to — Hay not use the high waterward of the high waterline to — Hay not use the high waterward of the high waterline to — Hay not use the high waterward of the high water high waterline to — Hay not use the high waterward of the high water high waterward of the WD III Some the design of the public use area is specifically approved by the Cky. REGULATIONS above average building elevation. SPECIAL public use area; and R-WOIII/Secipn 30.20.b/Paga 698/2-1-69/TS:rk 10.11 property. æ ۵ ej. ø ÷ ×. ŝ ø • e ¥ ø A SANKING For 2.0 per unti 1255555 1255555 STRUCTURE MAXIMUMS 0 Jul above avorage building elevation. Spec. Reg. #5. USE E BREAK 8 BE W The groater ol-e. 15°, or b. 15% of lihe evenage percet depth. yard, other VARDS SEE SE tion of aity **WINIMUMS** Þ ACCENT OF A Dirgeliones have an earling the The minimum dimens than those listed, is 5 average building elevation minus 10. TACAT See See See 1215 101 0.b/Page 698/4-22-68/TS:do 3,600 sq. ft. per unit. AR STERES Process #4 Overset 100hepter 145 Foolmoles L-WDIII/Section 30. Attached or Stacked Dwelling Units SHOITA JUDERT USE ⇔

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Public Access Pler or Boerdwalk	<del>Process IIA- Geople: 150</del> Process I Chapter 145	None	10'	ard of the Hit 10' 5 Special Rec		19	-	Pier docks may not be more than 24' above mean sea level. Diving boards and aimilar features may not be more than 3' abov the dock.		See Spc. Rag. #7	See Section 105.25	1. 2. 4. 5. 6. 7. 8. 9.	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 submittial of a Building Permit for this use. May not treat e structure with creosote, oil base or toxic substances. Must provide at least one covered and secured wate receptacie. All utility lines must be below the plan deck and, where leastille, underground. Plans must be adequately fit; 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 leiters and numbers at least 4 inches high, and visible from the Lake. North and south property line yards may be decreased for over-water public use facEttes which connect with waterfront public access or adjacent property.
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Fooli	)0188 			·					``				This development may also be regulated under the fity'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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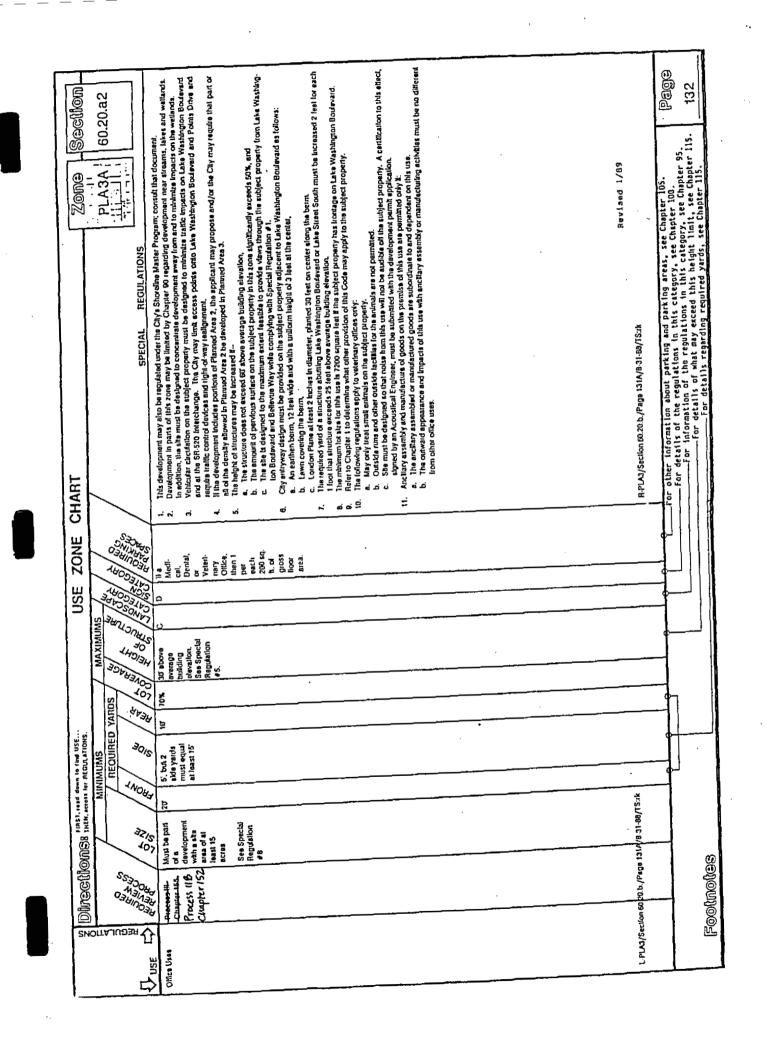
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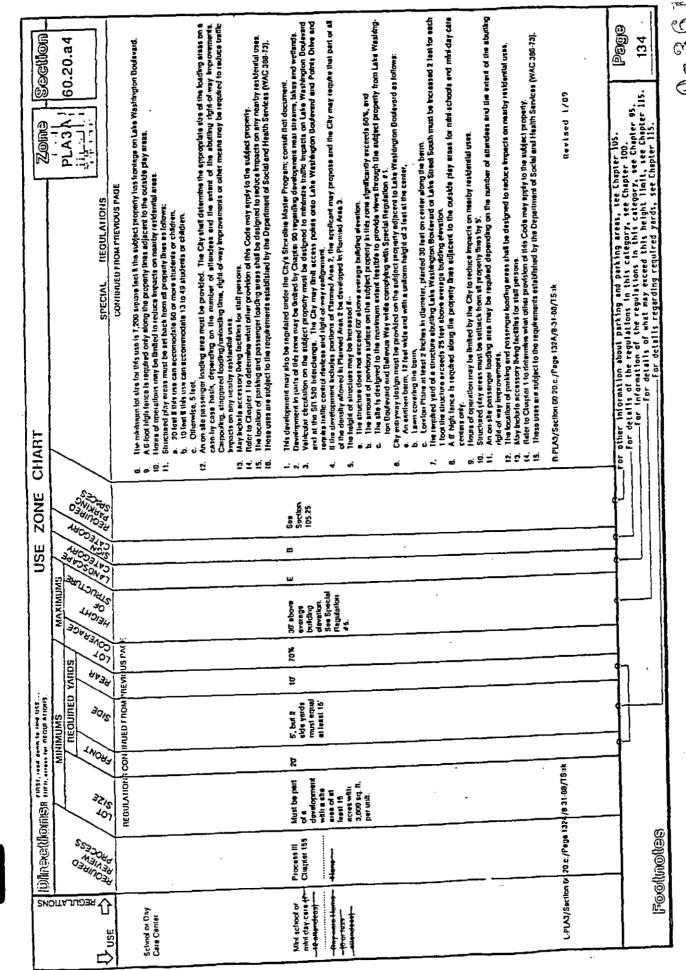
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	RT	PLA6B	If any portion of a structure is adjoining a flow density zone, then either: a. The leagra of that portion of the structure shall not acceed is feet above average building dovation, or b. The holicontal frangin of any tacked of that portion of the structure which is parallel to the boundary of the low zone shall not acceed 50 leat by within. See the Beclahn in Chapter 115 entitied Distance, Bahwenn Situctures, Reparding, Marémum, Hontzontal Facade, Reputellico for that are beclahn in Chapter 115 entitied Distance, Bahwenn Situctures, Reparding, Marémum, Hontzontal Facade, Reputellico for Hele In Chapter 1 to determine what other provision of this Code may apply to the extrest property. No pauking is required for day cere or school encliany to the use.	A 6 tool high lonce is required only along the property these adjacent to the outstop play areas. Hours of operation may be imited for reforce throm all properties or interaction cases. So trans that are an encommodelle 13 to 46 aludents or chattern. Do the fit is his use can accommodelle 13 to 46 aludents or chattern. Do the fit is his use can accommodelle 13 to 46 aludents or chattern. Do the statistic disponding areas must be provided. The Chy shall determine the appropriate site of the backing areas an accommodelle 13 to 46 aludents or chattern. Do no all a passengle identing areas must be provided. The Chy shall determine the appropriate site of the backing areas an accommodelle 13 to 46 aludents or chattern. Do no ally passengle identing these in the intervention of alterneties and the extent of the abacting areas are proper to alterneties and the action and a structure and provements or other means may be required to reduce italite intervention of a structure and from exceed 15 feet above average building direation of the structure and the action of a structure and from or contain provements or the too of the proton of a structure and the action of the structure action of the action of the structure action of social and featin of the structure action	R-PLA6B/Section 60.35.0.3)/Page 162/12-15-88/75.1k	other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 105. — 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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снаят	Zone Sco	PLA 6C 1 60.		SPECIAL REGULATIONS	The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for tuture use by the applicant, is less than live acres, the required review process is Process IIA, Chapter 150.	b. It it is subject properly, including all contiguous properly owned by the applicant and held by others for future use by the applicant, is five or more acces, a Master Ptan, approved through Process III, Chanter 155, is required. The Master Ptan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Ptan area, parking tocation, building, and landscaping.	Electrical signs shall not be permitted.	1 ho localion of parking and passeriger loading areas shalt be designed to reduce invads on rearby residential uses.	Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property	Tirose uses are subject to the requirements established by the Department of Social and Health Services (WAC 368-73, 388-150, and 389-155).	May locate on the subject property only 11 a. It will serve the immediate neighborhood in which it is localed; or b. It will not be dolutimential to the character of the neighborhood in which it is located.	A six-toot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only.	Hours of operation and maximum number of attendees may be limited by the City to reduce impode on rearby residential uses.	Structured play areas must be setback from all property lines by the feet.	An on-site passenger loading area may be required depending on the number of altendees and the extort of the abuiting rigit-of-way improvements.	The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.	Electrical signs stratt not be permitted. Size of signs may be itrafied to be compatible with nearby residential uses.	REGULATIONS CONFINUED ON NEXT PAGE	For other intermation about parking and parking areas, see Chapter 105. For details of the regutations in this category, see Chapter 100.	For information of the regulations in titls category, see Chapter 95. For details of what may exceed IN's height timit, see Chapter 115. For details regarding required yards, see Chapter 115.	
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		PLA 6C 6	SPECIAL REGULATIONS	clities for staff persons.	Relet to Chapter 1 to dotembro what other provision of litts Code may apply to the subject proeprity. These uses are subject to the requirements established by the Department of Social and Health Services (VAC 309-73, 150, and 153).	lf any portion of a structure is adjoining a low density zone, then either:	the renge of the point of the structure state for a structure average princing. elevation, of The horizonial length of any lacada of that portion of the structure which is parallol to the	boundary of the low density zone shall not exceed 50 feet in whith. See the Section in Chapter 115 emitted "Distance Between Shuctures Regarding Maximum Horizonial Facade Regulation" for further details.	Refer to Citapler 1 to delemmine what other provisions of this Code may apply to the subject property.	I requised review process is as follows: It the subject property, including all configuous property owned by the applicant and held by others for future use by the applicant, is tess than the acres, the required review process is Process IIA. Chapter 150. If the subject property, including all configuous property owned by the applicant and held by others for future use by the applicant, is live 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, builtering, and landscaping.	Landscape Calegory 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.			For oliter Information about parking and parking areas, see Chapter 105. For details of the regulations in this catogory, see Chapter 100. For information of the regulations in this category, see Chapter 95. For dotails of what may exceed this height firms, see Chapter 115. For dotails regarding required yards, see Chapter 115.
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Zone Section	70-	<ul> <li>Family day-care provider must be licensed by the start to operate a family child day-care home.</li> <li>A safe passengue loading area as certified by the state ofnice of child. care policy licensor shall be provided.</li> <li>Beter to chapter 1 to determine what other provisions of this code way apply to the subject property.</li> <li>Amere uces are subject to the requirements established by the Department of Social and thalth Survices (whe 388-155).</li> </ul>		in iniormation about parting and parting areas, see Linpuer 105. [DEGG
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Zone Section	PLA6D 60.35.d1	of its size. Ind other eccessory uses, facilities and activities associated may apply to the subject property.	portion of a structure is adjoining a low drashy sorve, then either: The height of thus portion of the structure shall not exceed 15 (set above everage building elevation, or the height of thus portion of the structure shall not exceed 15 (set above everage building elevation, or the settlered is motific. The Section in Chapter 115 extitled Disjence Berneen Structures Anch is parallel to the boundary of the low density a Section in Chapter 115 extitled Disjence Berneen Structures filteranding Maximum Hockbords / Facufallons for redensity. The Section in Chapter 115 extitled Disjence Berneen Structures filteranding Maximum Hockbords / Facufallons for redensity and supported on tight of way which area lose of the Scode may epply to the subject propenty. The section in Chapter 1 to determine what also and the structures filterand to the boundary of the section to Chapter 1 to determine what also has a subject propenty. The improvements shall extend from Stale Street to the section of appreciation and the subject propenty. The improvements that extend from Stale Street to the to also adject portion of the Scode may epoly to the subject propenty. The Avenue Scodt, and Avenue Scodts. The Avenue Scodt, and Avenue Scodts. The Avenue Scodt, and Avenue Scodts. The Avenue Scodt, and Avenue Scodts. To all Avenue Scodt, and Avenue Scodts. To all Avenue Scodt. The Avenue Scodt and Avenue Scodts. To all Avenue Scodt and Avenue Scodt	as, see Chapter 105. REVISED 6/88 , see Chapter 105. P@@@ category, see Chapter 95. 170 ards, see Chapter 115. 170
CHART	SPECIAL	<ol> <li>For this use, only one dwetting unit may be on each (of legardless of lot size.</li> <li>Chapter 115 contains regulations regarding home occupations and other accessory uses. IscRites and activities associated with this use.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>	<ol> <li>If any portion of a tructure is adjoining a low density zone, then either:         <ul> <li>The height of this portion of the structure shall not exceed 15 leet above average building elevation, or                 <ul></ul></li></ul></li></ol>	R.PLAGD/Section 60.35 dtl)/Page 169/12-15-89/13:14 For other information about parking and parking areas, see Chapter 105. For other information of the regulations in this category, see Chapter 35. For details of the regulations in this category, see Chapter 35.
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DURCHORS FIRST. 1444 down to Ind USE	5 03	E & C	None	II develop- ment will develop- then Processs 1 Chapter 145 Otherwise, none	Foolmoles
	<u></u> жи <b>м</b> пе		- Jahr	Detached, or Allached, or Stacked Dwelling Units Vrsult in a tow density uses bordered on two sides by higher density uses	Foot

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SNG	Directi	ONSI THEN	t, read d , across (	own to find USE or REGULATION	 9.		·······	U	ISE	ZONE	CHART Zone Section
C BEGULATIONS	A LE CONTRACTOR	1575	MI			DS SS	MAXIMU	MS Street Land			SPECIAL REGULATIONS
Detached Dweiling Units	None	3,600 ¤q. ft.	207	5', but 2 side yards must be at teast 15'	10	60%	If adjoining a low density zone other than RSX or deteched dweiling unit an Planned Area 7C, then 25' above average building elevation. Otherwisa, 30' above building elevation	E	A	2.0 per unit	<ol> <li>For this use, only one dwelling unit may be on each lot regardless of lot size.</li> <li>Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>
Detached, Attached or Stacked Dwelling Units result in a low density use being bordered on two sides by higher density uses,	density use; then Process I Chapter 145 Otherwise, None	3,600 sq. ft., with at least 1,800 sq. ft. per unit	20 T8: k:rg	5', but 2 side yards must equal at least 15'	10'	60%	If adjoining a low density zone other than RSX or detached dwelling unit in Planned Area 7C, then 25' above sverage building elevation. Otherwise, 30' above building elevation.	D		1.7 per unfl	<ol> <li>If development will result in the isolation of a low density use, alle design, building design, and landscaping must miligate the impact of that isolation.</li> <li>If any portion of a structure is adjoining a low density zone or detached dwelling unit in Planned Area 7C, then ether:         <ul> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet shows average building devallon, or</li> <li>The height of that portion of the structure shall not exceed 15 feet in with:</li> </ul> </li> <li>See the Section in Chapter 115 entitled Distance Bahwares Bincuruses Repardina Maximum Horizontal Facada Recutation for further detats.</li> <li>Development on the subject property must be designed to minimize view obstruction from the north.</li> <li>May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.</li> <li>If the subject property contains four or more units, then it must contain at least 200 square leet per unit of common recreational open space analybe is following minimum Horizontal Facada Recutation of the structure and north at least 20 square leet per unit of common recreational open space must be in one or more places awaring a length and width of at least 40 feet.</li> <li>For 21 units or more, the open space must be in one or more places having a length</li></ol>
Foo	linoles				1			Ĺ	1	· · · ·	For other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 90. 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.

7000 Bartian	PLA7C	ette. we accessory uses, facilitas, and activitiss associated pphy to the subject property.	gr, building design, and tandscalping must miligate the above average building elevation, or above average building elevation, or above average building elevation, or averatin is parallel to the boundary of the low density dene average the building factada flexulation for workschlar from the north. average the setting the setting the terminant other access is evaluated in the offer flexulation for the statistic 200 square feet per unit of common recre- recreationed open space must have the holowing mis- tich having at least 600 square feet and having a length estimation of the elevation open space. The standing are provided in the common open space. The settimat Also, the reduced open space share. The estimated approvement outdon for the in phy to the subject properity.	June 1988 (Ordinance 3100) Sept. 1993 (Ordinance 2741)	er Chapter 105. Chapter 100. Chapter 100. Straft 115. 1 talt, see Chapter 115. 1 see Chapter 115.
	SPECIAL REGULATIONS	For this use, only one dwelfing unit may be on each for regardless of for size. Chapter 115 contains leguidations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.	If development will result in the laddition of a low density use, site design, building design, and landscaphing must miligate the impact of that laddition. If an exhibit any protect of that laddition at a structure is any land wheat a building design, and the negative, correct and the negative of the any factorial land) and the structure which is partial to the structure, correct and the negative of the provident of the structure which is partial to the boundary of the low density to any structure of the structure which is partial to the boundary of the low density to any structure of the structure which is partial to the boundary of the low density to any structure of the structure which is partial to the boundary of the low density to the structure which is partial to the boundary of the low density to any structure of the structure which is partial to the boundary of the low density to any structure or the structure of the structure which is bardied to militare which is bardied to militare the work of the boundary of the boundary to any structure or the subject propenty must be designed to militare whe obstruction from the north. May not access direct points contains free or the factorial if accels firedulation for the two destands of the subject propenty contains free or the factorial attentions. The rest attents for an oran structure structure at the attent attent at a must contain the north. May not access the structure of the any structure of the attentions if the attention is the autility of a tases to be and dimensions: The subject propenty contains four or more and attention at the attent of the attention of the structure attention of the structure of the tases of the and which or its attention at the attention at the attention of the structure attention of the structure attention of the structure or the order of the orde	t-FLATC 40.(0.c.) (Pepe 194) 10-24-48/15:cu	other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 100. For 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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DUCCUORS FIRST. 1944 COM 19 ING USE	12 IS 10	3.600 sq. h. Per unit	3,600 \$5. ft. with al least 3,600 \$5. ft. Per untit	89/131rk	
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	see Chapter 115.	- For details regarding required yards, see Chapter 115									Ù	FOOTNOTIES	<b>OID</b>	
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PAGE	ind parking areas, see Chapter 105. alegory, see Chapter 100.	<ul> <li>For sitier information atom packing and packing areas, see Chapter</li> <li>For details of the regulations in this calegory, see Chapter 100.</li> </ul>		· 						-				
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mber 8, 1989. Aeler tr	Nesoliulian No. 2474 allects development of this use in this zone until November 8, 1989. Refer to that resolution.	12. Nesolution No. 2474 attects deve that resolution.		· · · · · · · · · · · · · · · · · · ·		/								
· everage building · I's parailel to I'lie arding Maximum	<ul> <li>If any portion of a structure is adjoining a low density zone, then either:</li> <li>a. The height of that portion of the structure shall not exceed 15 tool above average building elevation, or</li> <li>b. The horizontal length of any facade of that portion of the structure which is paraflel to file tourndary of the low density zone shall not exceed 50 feel th which.</li> <li>See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.</li> </ul>	<ol> <li>If any portion of a structure is adjutning a low den         <ul> <li>The height of that portion of the structure shale clevation, or</li> <li>The horizontal length of any facade of that potential to the horizontal length of any facade of that not extended to be shall not extended to be shall not extended the Section in Chapter 115 entitled "Distance Horizontal Facade Regulation" for further details.</li> </ul> </li> </ol>								·		<u>,, ,</u>		
ordinated with a Int Regulation 11.b.	Access in the subject preparty must, to the maximum extent possible, he coordinated with a contailized circulation system that will serve the entire zone. See also Special Regulation 11 h.	10. Access to the subject property mu centralized chroubulon system that												
y Social and Health	These usos are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 308-150, and 388-155).	9. These usos are subject to the requirements esta Servicos (WAC 388-73, 308-150, and 380-155).			<u> </u>									<u></u>
to the subject property	Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property	<ol> <li>Refer to Chapter 1 to determine w</li> </ol>					_		·	<u>.                                    </u>				
	Hes for staff persons.	7. May inchide accessnry living ladilijes for staff persons.								<u></u>				
Suce Impacts on nearby	The localion of parking and passenger loading areas shall be dosigned to reduce impacts on nearly residential uses.	<ol><li>The localion of parking and passes residential uses.</li></ol>												
r of allendees and the	An on-site passenger loading area may be required depending on the mimber of attendees and the event of the abuilting right of way.	<ol> <li>An on-site passenger loading area extent of the abuilting right of way.</li> </ol>				<u>.</u>								
	Sinictured play areas must be set back from all property lines by 5 feet.	4. Sinictured play areas must be set f												
ð <b>5</b> .	Hours of operation may be timbed to reduce impacts on nearby residential uses	3. Hours of operation may be limited t							ū					
uside play great	A 6-loci high lence is required only slong the property lines adjacent to the outside play sreatmini-school and mini-day-care centers only.	2. A 6-loot high lence is required only along th mini-school and mini-day-care centers only.						52	equal al least			Heno	-carl care mono -(6 er loss attendees)	- <del>(6 or locs allond</del>
bocatad.	y locate on the subject property only it: It will serve the Immediate neighborhood in which it is located; or It will not be definential to the character of the neighborhood in which it is located.	<ol> <li>May locate on the subject property only fit:         <ul> <li>a. It will serve the immediate neighborhoot.</li> <li>b. It will not be definential to the charact</li> </ul> </li> </ol>	See Section 105.25			25' abovo average building	50%	10	5', bui 2 sido yards	20'	sq. 11.	Process IIA Chapler 150	Mini-school or Mini-day-care (7 - 12 atlendees) of	Mini-school or Mini-day-care <del>(7 12 atlend</del>
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	IE CHART	spectivi		T. Fur other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 95. For information of the regulations in this category, see Chapter 95. For details of what may ecceed this height 11elt, see Chapter 115. For details regarding required yards, see Chapter 115.
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		SPECIAL REGULATIONS	Development must relate and maintain the adding hit form. Severry-five percent (75%) of the significant trees on the hill term must be related. Supplemental plantings may be required. Access must be relating from 120th NE, or must be coordinated with commercial development to the west and must be from NE 1714. Outdoor storage is not permitted. Refer to Chepter 1 to defermine what other providion of this Code may apply to the subject property.	Development must relatin and maintain the existing hill form. Seventy-the percent (75%) of the significant trees on the hill torm must be maintaired. Supplemental plantings may be required. Access must be directly from 120th NE, or must be coordinated with commercial development to the west and must be thom NE 12ath. May induce strong to the accordinated with commercial development to the west and must be from Ne force another and convention facilities as part of this use. May induce the distamba what other providion of this use. Excludes particip requirements for another and the convention facilities. Additional parking requirements for those an Eccludes parking requirements for another and the and	<ul> <li>Cetury uses shall be ditermined on a case by case bask.</li> <li>Cetury uses shall be diterwined bandran the excirting hist. Severy-the percent (75%) of the significant trees on the hist community and manual her accordinated with commercial development to the west and must be troom for a single percent.</li> <li>Re 240</li> <li>Detries of assess have permitted.</li> <li>The accurate state provision of this Code may apply to the subject property.</li> <li>The accurate state provision of this Code may apply to the subject property.</li> <li>The accurate state provision of this case with accillary assembly or mandactured of the transformed permitted corp.</li> <li>The accurate state provision of this use with accillary assembly or mandactured of the use.</li> <li>The accurate statements and transics of this use with accillary assembly or mandactured performance and the permitted corp.</li> <li>The accurate statement of this use with accillary assembly or mandactured performance and the permitted corp.</li> <li>The accurate statement of this use with accillary assembly or mandactured performance and the permitted corp.</li> <li>The accurate statement of this use with accillary assembly or mandactured performance accillary accellary assembly or mandactured performance accillary assembly or mandactured performance accillary accellary assembly or mandactured performance accillary accellary assembly or mandactured performance accillary accellary ac</li></ul>	· · ·
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	Zone Section	PLA70A( 60.55.b	Special Activity of starting or storage areas must be defined as required for a parking area in Chapter 1(5. See also the Section Chapter 115 entitled Difform 24. ALTIMINERIA SIGNER for the mode are applied on the or which a start and the structure start and start and the structure start and structure start and the structure start and structure start and start and structure start and the structure start and start the structure start and start the start and start the structure start and start to the structure start and start to the structure start and the structure start and	<ul> <li>If any portion of a structure is actioning a low density zone, then ether:</li> <li>The indicated length for exceed 50 length motion.</li> <li>The indicated length for exceed 50 length motion.</li> <li>The indicated length for exceed 50 length motion.</li> <li>See the Section in Chapter 115 entitle doits.</li> <li>The extreme doits on the premise.</li> <li>L. The extreme section manufactures of goods are cluedly related to and are dependent upon this use, and are available to the interfact and intermediation.</li> <li>Ancilary a staembly or manufactured goods are cluedly related to and are dependent upon this use, and are available to the exceed 30 length are available to the exceed 30 length are available availa</li></ul>	r 95. ter 115.
	E CHART		~ ଏଏ	<ol> <li>If any portion of a structure is edipointing a low demsity zoom, them other:         <ul> <li>The inductional length of structure a stall not exceed 15 lest above sverage hulding elerce.</li></ul></li></ol>	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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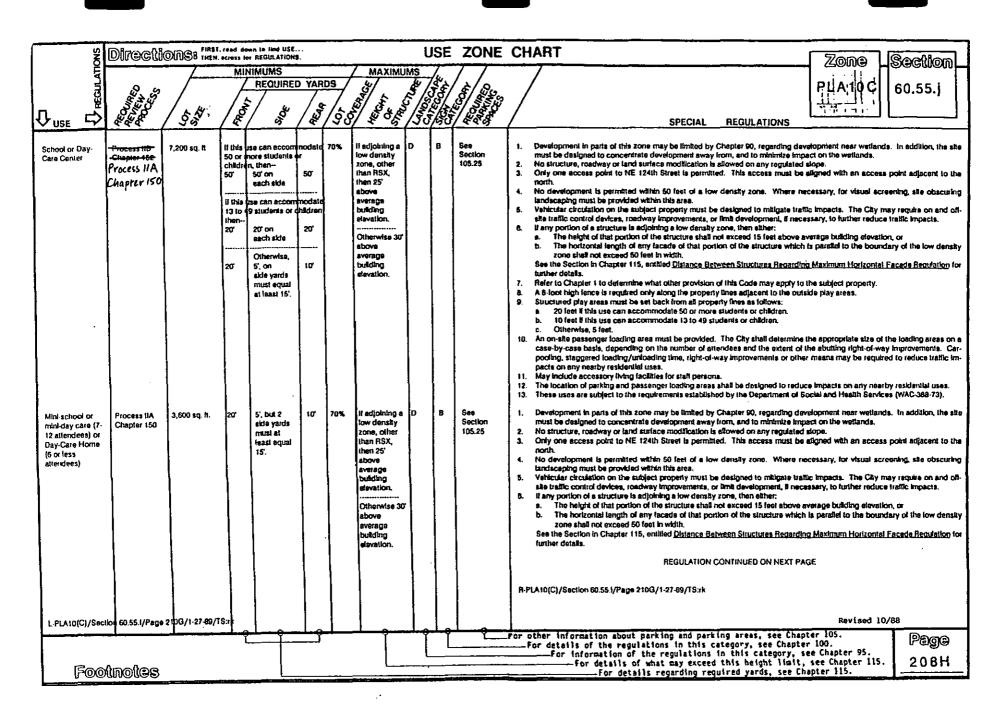
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<ul> <li>For other information about parking and parking areas, see Chapter 105.</li> <li>For details of the regulations in this category, see Chapter 100.</li> <li>For information of the regulations in this category, see Chapter 95.</li> <li>For details of what may exceed this height limit, see Chapter 115.</li> <li>For details regarding required yards, see Chapter 115.</li> </ul>			· · · · · · · · · · · · · · · · · · ·	<ol> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).</li> </ol>	<ol> <li>The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</li> </ol>	7. May include accessory living facilities for slaft persons.	6. An on-site passenger loading area must be provided. The City shall determine the appropulate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting dight-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses.	<ol> <li>Structured play areas must be set back from all property lines as follows:</li> <li>a. 20 leet if this use can accommodate 50 or more students or children.</li> <li>b. 10 leet if this use can accommodate 13 to 49 students or children.</li> <li>c. Otherwise, 5 feet.</li> </ol>	4. A six fool high fance is required only along the property lines adjacent to the outside play areas	3. Reter to Chapter 1 to determine what other provision of this Code may apply to the subject property.	<ol> <li>Access must be directly from 120th NE, or must be coordinated with commercial development to the west and must be from NE 124th.</li> </ol>	1. Development must retain and maintain the existing hill form. Seventy-five percent (75%) of the significant trees on the hill form must be maintained. Supplemental plantings may be required.	SPECIAL REGULATIONS	PLA 10A 60.1		
PAGE 2078	Revised 2/89	· ·		ol Social and Health	iduce impacis on any		ne the appropriale size of ndees and the extent of ading time, right-ol-way my nearby residential		oulside play areas.	to the subject property.	cial development to the	cent (75%) of the may be required.		60.55.b1		Centian

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Office Uses	Process H Chapter 153 Process IIB Chapter 157		207	5', but two skie yards imusi equal st least 15'.	10,	70%	fi adjoining a low density zona, then see Spec. Arg, #8 Otherwise 40 above average building elevation			II medical, dental, or veteria- ary ottice, then one per each 200 sq. ft. gross floor Brea. Other- wise, one per each 200 sq. ft. gross floor Brea. Do sq. ft. gross floor Brea.	2. 3. 4. 5.	must be designed to concentrate development away from, and to minimize impact on the wetlands. No development is permitted within 50 feet of a low density zone. Where necessary, for visual screening, site obscurs landscaping must be provided within this tree. If any portion of a structure is adjoining a low density zone, then either: a. The treight of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The height of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The height of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The height of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The height of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The height of that portion of the structure shall not acceed 15 leet above average building elevation, or b. The bord on a structure is adjoined and the portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 leet in within. See the Socion in Chapter 115, enabled <u>Distance Between Structures Recenting Maximum Horizontel Facade Recentation 4</u> further detats. Relevant to Chapter 1 to determine what other provision of this Code may apply to the subject property.
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See Special Regulation #1	Process 1 Chapter 145		9983	stee Special Reg's #2 ar	g'a #2 ard		zone other than RSX, then 25' ebove	Spec. Reg. #12	Rec.	42.201	<ol> <li>If the subject property adjoins a non-retail use, the minimum settback of any structure from the tol containing that non-retail use is twice the height of that structure, as measured on the side of that structure closest to the non-retail use.</li> </ol>	to hat
							everage buliding elevalion.				<ul> <li>3. If any portion of a structure is actioning a low density zone, then either:         <ul> <li>The height of that portion of the structure shall not exceed 15 feet above average building</li> <li>Density and the structure shall not exceed 15 feet above average building</li> </ul> </li> </ul>	
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providing new vehicle or boat sales			ŝ	side Special (	Aegulation	2	zone other Ihan RSX, theo per		Soot Bed	52,601	6. May not access directly onto 118th NE.	<u> </u>
or vehicle or boat service or repair.							ebove evera	2	t		<ol> <li>Parking and circulation must be coordinated with commercial development to the north.</li> </ol>	
See Special							building elevelon				<ol> <li>Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.</li> </ol>	operty.
le uchante							Olherwise, 30' above average builtiding				9. The tollowing regulations apply only to valida service stations: a. May not be more than two valida service stations at any intersection. b. Gas pump islands may extend 20 feet into the front yard. Campbas or covers over gas pump islands may not be doser than 10 feet to any property line. Outdoor parking and service areas may not be doser than 10 feet to any property line.	dun
						-	elevation.				See the Section in Chapter 115 entitled "Outdoor Use. Activity and Storage" for further regulations	tlora.
	•										10. The following regulation applies only to new vehicle or boat eales or vehicle or boat repair or service: a. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.	Bervice:
											11. On Lot 6, within Block 2, automobile service areas, body shope, and customer parking are not permitted.	
ZC6070A1/1-18-95											REGULATIONS CONTINUED ON NEXT PAGE Revised 11/1/04, 0-3439	0-3438
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ent to the outside sidential uses.	along the property lines adjace reduce impacts on nearby re	<ol> <li>A 6-foot high fence is required only along the property lines adjacent to the outside play areas.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> </ol>				then 25' above average	•	-						•
hiback of any stru- ture, as measured	density use, the maximum sel ual to the height of that sinuct 1.	1. If the subject property adjoins a low density use, the maximum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the delached unit.	See Section 105.25	B	م م الم الم	11 adjoining low density zone other than RSX,	70%	50 or more	vise can nino dale 50 nfa or childr 50' on	11 this v accomr student 50'	7,200 8q. tt.	-Process 1- Chapter 145- None	School or Day Care Center	School or Center
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Howe			- F							2. Family day-care provider must be licused by the state to operate a family child day-care home.
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(NEW SECTION)

## **CHAPTER 120 - VARIANCES**

120.05	User Guide
120.10	Process for Deciding Upon a Proposed Variance
120.12	Expansion or Modification of an Existing Structure

120.15 Application Information

120.20 Criteria for Granting a Variance

120.25 What May not be Varied

### 120.05 User Guide

This Chapter establishes a mechanism whereby the provision of this Code can be varied on a case-by-case basis if the application of these provisions would result in an unreasonable and unusual hardship. While almost any provision may be varied, there are some limitations.

If you are interested in applying to see if a provision of this Code can be varied in a particular case, or if you wish to participate in the City's decision on a proposed variance, you should read this Chapter.

## 120.10 Process for Deciding Upon a Proposed Variance (REVISED SECTION)

The City will use Process IIA, described in Chapter 150 of this Code to review and decide upon an application for a Variance except as to property located within an RS or RSX zone <u>or for a detached dwelling unit in any zone</u>. For Variance applications as to property located within an RS or RSX zone <u>or for a detached</u> <u>dwelling unit in any zone</u>, the City will use Process I described in Chapter 145, provided, however, Section 145.10 shall not apply, and also provided that the content <u>of the</u> notice shall be per Section 145.3022.1 while the distribution of the notice shall be per Section 150.30.2.

## 120.12 Expansion or Modification of an Existing Structure (NEW SECTION)

If the expansion or modification of an existing structure requires a Variance under this chapter, the Planning Director may approve such expansion or modification without requiring the Variance process if all of the following criteria are met:

a. the request complies with the criteria in Section 120.20 of this chapter: and

- b. the gross floor area of the structure is expanded by less than 5%; and
- c. the Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

ZC/CH120/8-13-91/TS:CN

June 1991 (Ordinance 3264)

#### 120.15 Application Information

In addition to the application materials required in Chapter 150 of this Code, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

## 120.20 Criteria for Granting A Variance

The City may grant a Variance only if it finds that ---

- 1. The Variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
- 2. The Variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
- 3. The Variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property.

## 120.25 What May Not Be Varied

The City may grant a Variance to any of the provisions of this Code except--

- 1. The City may not grant a Variance to any provision establishing the uses that are permitted to locate or that may continue to operate in any zone; and
- 2. The City may not grant a Variance to any of the procedural provisions of this Code; and
- 3. The City may not grant a Variance to any provision that specifically states that its requirements are not subject to Variance.

## PUBLICATION SUMMARY OF ORDINANCE NO. 3618

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-97-68).

<u>SECTION 1</u> Amends specific portions of the text of the Zoning Code as follows:

Amends Chapter 120 - Variances; adds a new definition to Chapter 5, "Family Day-Care Home"; amends Section 5.527, definition of "Mini-Day-Care Center"; adds a new listing to the Use Zone Charts in RS, RSX, PLA3A, PLA6C, PLA9, and PLA17A zones for "Family Day-Care Home"; and amends the following Use Zone Charts: Mini-School or Mini-Day Care Center and Day Care Home in RS, RSX, PLA3A, PLA6C, PLA9, and PLA17A zones; Church and School or Day Care Center in PO and PLA6B zones: Attached or Stacked Dwelling Units and Public Access Pier or Boardwalk in WDI and WDIII zones; Moorage Facility for 1 or 2 boats in WDII zone; Vehicle Service Station in FCIII, BC, BCX, and PLA13A zones: Attached or Stacked Dwelling Units in PLA2 zone; Attached or Stacked Dwelling Units, Office Uses, Development Containing Attached or Stacked Dwelling Units and Office Uses, and School or Day Care Center in PLA3A zone; Detached, Attached or Stacked Dwelling Units in PLA6D, PLA7A, PLA7B, and PLA7C zones; Restaurant or Tavern, Hotel or Motel, Office Use, A Retail Establishment Providing New Vehicle or Vehicle Service or Repair, Any Retail Establishment other than those specifically listed..., and School or Day-Care Center in PLA10A zone: Office Uses, Attached or Stacked Dwelling Units, and School or Day-Care Center in PLA10C zone; and School or Day Care Center in PLA13B zone.

<u>SECTION 2</u> Provides a severability clause for the ordinance.

I.

<u>SECTION 3</u> Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

<u>SECTION 4</u> 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 the summary.

<u>SECTION 5</u> Establishes certification by City Clerk and notification of King County Department of Assessments.

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 <u>6th</u> day of <u>January</u>, 1998.

I certify that the foregoing is a summary of Ordinance <u>3618</u> approved by the Kirkland City Council for summary publication.

Eity Clerk