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.

<u>Section 2.</u> 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.

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.

<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 98

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

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Attest:

itv Clerk

Approved as to Form:

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W\ORD-9768.MAY/LA:mjd

- 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-III; 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.

no more than

- 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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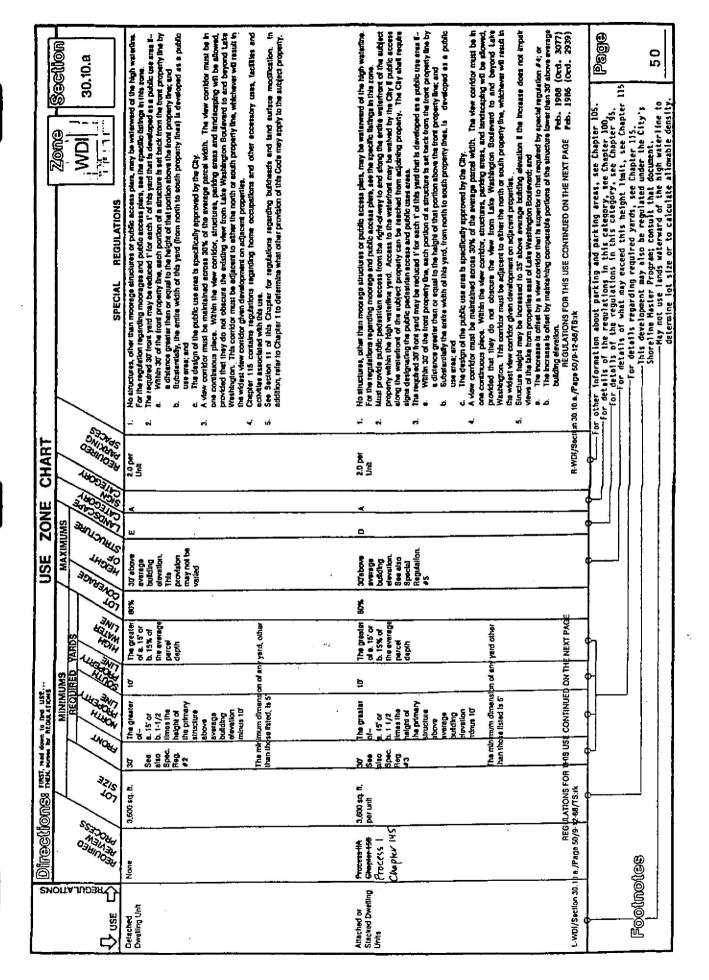
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Page Section 698 30.20.b No structures, other than moorage structures or public access plans, may be waterward of the high waterline. For the regulations regarding moorages and public access plans, see the specific fistings in property line; and Substantially the entire withh of Utis yard, from north to south property lines. Is developed as a will be ellowed, provided that they do not obscue the view born Late Westhragion Boulevard to and beyond Late Wasthragion. This corritor must be adjacent to enther the month or south property line, whichever we irsuit in the wident view controlor given development on adjacent poportive. Simular helpith may be increased to 35 leat shore arvange budding elevation if the increase does not impet views of the lake from properties east of Lake Wasthragion Boulevard, and The design of the statement of one possible with the scento return of the welefford. If the development will result in the isotation of a detached dwelling unit, eite design, building design and landsceping must miligate the impacts of theil isotation. 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 leal of the floort property the, each portion of a sinucluse is set back from the front property line by a distance grastise them or equel to the height of their portion above the front A view confidor must be numbrated scross 30 percent of the everage percel width. The view contidor must be in one confirmous piece. Within the view contidor, structures, parking areas and jandscaping The Increase is officer by a view corridor that is superior to that required by Special Regulation The Increase is offset by maintaining comparable portions of the structure lower than 30 feet Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities Revined 2/88 other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 100. For details of the regulations in this category, see Chapter 95. For details of what may exceed this height limit, see Chapter 115 -for details regarding required yards, see Chapter 115, — This development may also be regulated under the City's Shoreline Master Programs, consult that document. — Hay not used lands waterward of the high waterline to — determine lot size or to calculate allowable density. ND目 日 Zome 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/Sector 20.20.b/Paga 698/2-1-69/TS:rk 11:01 this zone property. æ ۵ ei, ø ÷ R, . wi. ø ei ø A STANGE -For CHART 2.0 per unh 1285600 1285600 1285600 ZONE STRUCTURE SMILIMI ۵ JU abore average building see also Spec. Reg. #5. MAXI USE E Starker 8 AFEN FEEL The groater ol-a. 15°, or b. 15% of lihe everage percet ton of aily yard, other VARDS BEEK -MINIMUM9 REQUIRED Þ CERE E DIRGCIONS NUL IN LOU PART The misimum dimension that the factor of the The greater ol-a. 15, or b. 11/2 times the height of the primary average building elevation minus 10. structure LIONS Reg ales 1215 101 L.WDIII/Section 30 0.0/Page 698/4-22-68/75:do 3,600 sq. ft. per unti. A RECEIPT Chepter 145 Process #4 Onepher 160-Process 1 Foolmotes SHOTTA JUD 397 Attached or Stacked Dwelling Units USE ₽

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	A CONTRACTOR	3 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5			IIHED	VARDS	\$8		The second se			SPECIAL REGULATIONS
Public Access Pier or Boerdwalk	Process #A- Orighter 150 Process 1 Chapter 145	None	10	ard of the Hig 10' 5 Special Rep		10	-	Plandocks may not be more than 24' abova mean sea level. Diving boards and similar features may not be more than 3' abova the deck.		See Spc. Reg. #7	See Baction 105.25	 No accessory uses, buildings, or activities are permitted as part of this use. If a structure will extend waterward of the inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Naturel Resources prior to submittel of a Building Permit for this use. May not treat a structure with creosote, oil base or toxic substances. May not treat a structure with creosote, oil base or toxic substances. Must provide at least one covered and secured wate receptacts. All utility Bres must be below the plet deck and, where leastife, underground. Piere must be adequately lit; the source of the light must not be visible from neighboring properties. Structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least 4 inches high, and visible from the Lake. North and could property line yrads may be decreased for over-water public. use facilities which connect with waterbone public access or adjacent property. Bes Soction 21 of this Chapter for regulations regarding builkheads and tend surface modification. In eddblow, refer to Chapter 1 to dotermine what other provisions of this Code may apply to the subject property.
Mooraga Facility Ior 1 or 2 boats. Sea also Special Regulation ≠1.	None	None	In addi within- a. 25° c b. 25° c the sut The mi	ard of the Hij t0" Ion, no moor I a public pa I another mo act property irruum diamer ose listed, is	to a pe struc in; of orage sir 	ure may be 3 acture not or	80%	Pier decks may not be more than 24 above mean sea level. Diving boards and similar leatures may not be more than 3 above the deck.		See Spc. #9	None	 Moorage must be for the exclusive use of the residents of the subject property. Ranting moorage space is not permitted. No accessory uses, buildings, or activities are permitted as part of the use. Various accessory components are permitted as part of a General Moorage Facility. See that Baing in this zone. Moorage subctraces may not extend waterward beyond a point 150 feet from the high waterline. In addition, plens and docks may not be wider than is reasonably necessary to provide asle access to the boats, but not more than 8 feet in width. If the moorage structures will extend waterward of the inner Harbor Line, the applicant must obtain a lease from the Washington Stele Oppertment of Natural Resources prior to submitted of a Building Permit for this use. May not task to accesse and secured water receptede. All utility lines must be below the pler deck and, where feasible, underground. Prer emust be adapted by its surged address of the subject property. The address must be oriented to the take with listers and numbers at least 4 inches high, and within from the Lake. Covered moorage is not permitted. See Section 21 of this Chapter for regulations regarding builtheads and land surface modification. In addition, refer to Chapter 1 to detormine what other provisions of this Code may endlication. In addition, refer to Chapter 1 to detormine what other provisions of this Code may endlication. In addition, refer to Chapter 1 to detormine what other provisions of this Code may endlication.
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Zone Section		trainized to prevent artetial congestion and traffic or generated from the subject proporty. Lake Westbergton Bryd. as follows: Lake Westbergton Bryd. as follows: Mem. Is floor area of these accessory retail uses may not we breage building elevation, or which is paralled to the boundary of the low dentaly which is paralled to the boundary of the low dentaly that is paralled to the boundary of the low dentaly which is paralled to the boundary of the low dentaly by to the subject property. In the subject property line. Up to the subject property line. Up to the subject property the any property line. Up to the subject property of any property line.	100	chapter 100. apter 100. 1, see Chapter 35. alt, see Chapter 115. 2 Chapter 115.
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	<u>T</u>		SPECIAL REGULATIONS	 May not be more than two vehicle service stations at any intersection. Gas purry islands may extend 20 teel truto the front yard. Canopies or covers over gas purry islands may not be clean than 10 teet to any property fine. Culcion parking and service at any not be allocing for futtion regulations. Gas purry position, or a since the adjoining a low density zone, then elitian: If any position of a sinculure is adjoining a low density zone, than elitian: If any position of a sinculure is adjoining a low density zone, than elitian: The holgit of that portion of in elitian: If any position, or a sinculure shall not exceed 15 foct above avorange building olywaltion; or a sinculare is adjoining a low density zone, than elitian: The holgit of the low density zone shall not exceed 50 teel in width. The holgit of the low density zone shall not exceed 50 teel in width. He adjued y of the low density zone shall not exceed 50 teel in width. A reade Regulation tor further datals. A reade for the structures exceeds 30 teel in width. Flora day and of any portion of the structure must be horeevased and on that any portion of the structure exceeds 30 teel and the score and 50 teel above 30 teel at any portion of the structure for the through a Process 10. Chapter 150, the throug	 Cuidoor vohiclo or boal parking or storage aroas must be builtered as required for a parking aroa bin Chapter 105. See also the Saction Chapter 115 antihled Cuidoor Use, ActMity and Storage for turnor requirements. Vahicle and boal rontal and used vehicles or boal adoes are allowed as part of this use. Vahicle and boal rontal and used vehicles or boal adoes are allowed as part of this use. Vahicle and boal rontal and used vehicles or boal adoes are allowed as part of this use. Vahicle and boal rontal and used vehicles or boal adoes are allowed as part of this use. The height of thist portion of the structure shall not exceed 15 liel subove average building boardien, or The loutzontal length of any facade of their portion of the structure which is putallel to the boundary of the low density zone shall not exceed 50 ion th width. The loutzontal Facada Regulation for further datals. Arair to Chapter 116 onthed to portable on shall not exceed 50 ion thick to a subject proporty. Arair to Chapter 116 onthed to portable of the structure which is putallel to the boundary of one subject proporty. Arair to Chapter 116 onthed to portable not phile and the structure which is putallel to the portion of the structure acceeds 30 iest bove average building the whole of the larry fortion of the structure exceeds 30 of stance and boly may be increased above 30 iset in height increase the portion of the structure exceeds 30 of structure holy may be increased above 30 iset in height increased to height increased and phile holy increased height increased and phile holy increased above 30 iset in height increased height increased height increased above 30 iset in height increased above 30 iset in height increased height increased height increased height incre	 For ather beformation about parking and parking areas, see Chapter 105. For details of the regulations in this calegory, see Chapter 100. For intermation of the regulations in this calegory, see Chapter 35. For details is agarding sequentions with a height time, see Chapter 115. For details regarding sequenced this height time, see Chapter 115.
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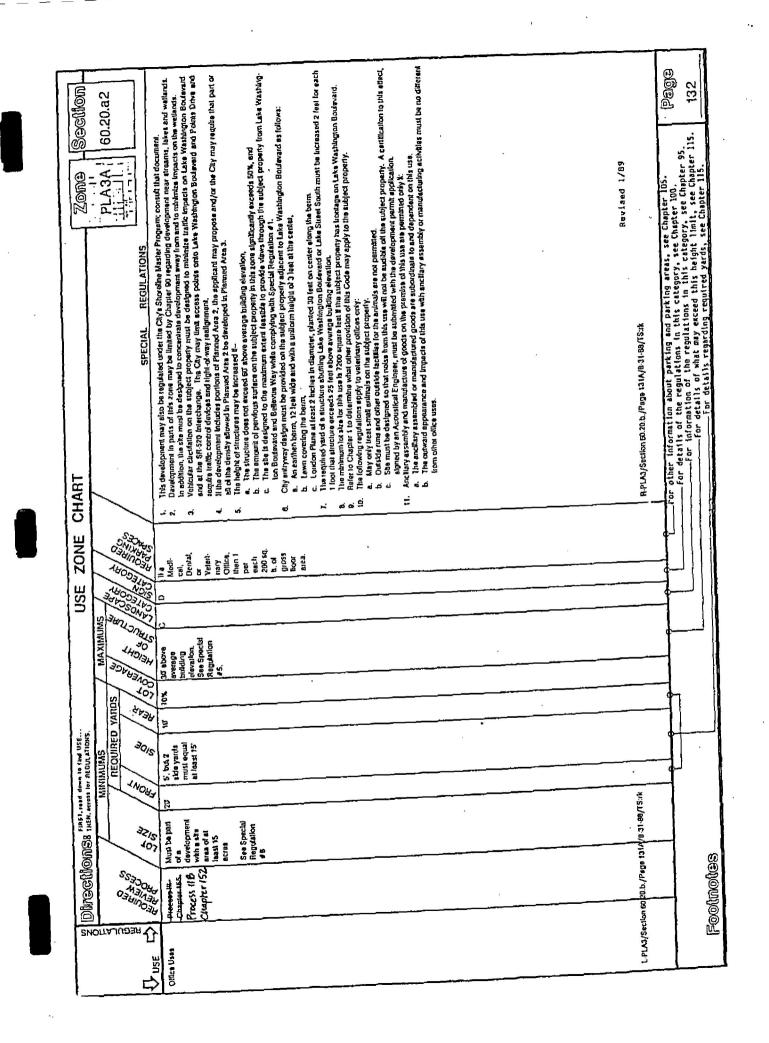
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Zone Section		11.3 development may also be regulated under the City's Shorokha Muster Program, consult that document. Development in parts of this zone may be limited by Chapter 50, reparding development are ristaints, lakes and wellands. Access points and be the westwingthed Must be minimized to prevent articulation and traffic solely fuziends. Shared access points must be willted where besides. City entrywey design must be provided on the subject property soluteent to Lake Wasthington Boulevard on stollow. . An entrywey design must be provided on the subject property soluteent to Lake Wasthington Boulevard on stollow. . Earno cover 10 the born. . Lawn cover plane at least 2 theft will a uniform height of 3 feet at the center	Crapter 1. Its commans regulations regarding norms occupations and just accessed uses, maximus and purring economic watch this use. We find use in a structure abouting Lake Westhington Boudeword or Lake Street South must be increased 2 leaf for each 1 field that structure exceeds 25 leef above average buffding elevation. Reter to Chapter 1 to deterraine what other provision of this Gode may epping to the subject property.	This development may also be regulated under the City's Shoreline Master Program; consaft that document. Thereforment is pasts of this zone may be finated by Chapter 80 regulation (the site must be designed) to contending development are sitemat. Jeass and wallards, addition, the site must be designed to contending development are site trapacts on the wollards. Velicular circulation on the utilet contending development way from and for multimute trapacts on the wollards. Velicular circulation on the utilet contending designed to multimute traffic trapacts on the wollards. In this R5.500 profess and right, cliway tending conto Lake Wastington Boulevard and require that that the control devices and right. Cliway that accoss points onto Lake Wastington Boulevard and that density failor on the utilet of Planned Area 2, the applicant may propose and the Chy may require that part or all of the finding of structures and in physical providence of that 3. The finding of structures and an the arctered of above average building retrailor, a. The articular does not be receeded for above average building retrailor, Dis articular does not be receeded for above average building retrailor, a. The articular does not be receeded for above average building retrailor, Dis articular does not be receeded for above average building retrailor, a. The articular does not be receeded for above average building retrailor, Dis articular does not be receeded for above average building retrailor, a. The structure acceleration of the studies proposity to the subject property Brudeward and Breiser Wastington Brudeward and and the Chy may require that Wastington Brudeward and Breiser Wastington Brudeward and a the center, b. Lawn covaring the bern. C. Doubor Figure a trait articular excerted 50%, and the require the subject property regulation #1. C. Doubor Figure and and action that update quality and other accessory trast, incluing a stollows: require to Chapter 1 to determine what other provision of this Code may suppr		ather information about parking and parking areas, see Chapter 105. Page
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CHART	/	SPECIAL REGULATIONS	If any portion of a structure is adjoining a few density zone, then either: a. The ineight of them portion of the structure staff not exceed 15 feet above everage building elevation, or b. The inductorial length of any facede of that portion of the structure which is perallel to the boundary of the few density zone shall not exceed 50 feet in width. See the Section in Chapter 115 emitted <u>Objance, Bahweon Shructures Reparding Marimum Horizontal Facade Reptention</u> for turbar densits. Reter to Chapter 1 to determine what doine provision of the use. No pauking is required for day care or school enclary to the use.	 A 6 tool Mp/I terce is required only along the popenty three adjacent to the outletic play ereas. A fool Mp/I terce is requering the mitted or references on nearby relaterial uses. Sirround play areas must be are not accommodate (5) or an automist or children. a 20 heat is his use can accommodate (5) or a funders or children. b 10 heat is his use can accommodate (5) or a funders or children. c 10 heat is his use can accommodate (5) or a funders or children. c 20 heat is his use can accommodate (5) or a funders or children. c 20 heat is his use can accommodate (5) or a funders or children. c 30 heat is his use can accommodate (5) or a funders or children. c 30 heat is his use can accommodate (5) or a funders and its actent of the abutting right-chivery improvements. Can prost access on the access of the acces access and the a	Por other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 100. For information of the regulations in this category, see Chapter 35. For details of what may acceed this height limit, see Chapter 115.
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IRT		SPECIAL REGULATIONS	For this true, only one dwetting tunk may be on each lot regardless of lot site. Chapter 115 contains regulations regarding home occupetions 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 with neuch in the locatation of a low density zone, them althor: If development with neuch in the locatation of a low density zone, them althor: 	other information about parting and parting areas, see Chapter 105. For details of the regulations in this category, see Chapter 100. — For information of the regulations in this category, see Chapter 95. — For details of what may exceed this height fimit, see Chapter 115.
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Detached Dwelling Units	None	3,600 sq. ft.	207	5', but 2 site yards must be at least 15'	10'	60%		E	~	2.0 per unk	 For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 conteins regulations 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.
Detached, Attached or Stacked Dwalling Unta result in a low density use being bordered on two sides by higher density uses,	denality use, then Process I Chapter 145 Otherwise, None	3,600 sq. ft., with at least 1,800 sq. ft. per unit	20	5', but 2 side yards must equal at least 15'	10'	60%	H adjobing a low density zone other than RSX or distacted dwelling until in Plennod Area 7C, then 25' above average building elevation. Otherwise, 30' above building elevation.	D		1.7 per unit	 If development will result in the isolation of a low density use, she design, building design, and landscaping must mitigate the impact of that isolation. If any portion of a structure is adjoining a low density zone or detached dwelling unit in Planned Area 7C, then ether: The height of that portion of the structure shall not exceed 15 lead in width. The height of that portion of the structure shall not exceed 15 lead in width. See the Section in Chapter 115 entitled <u>Distance Balveen Binuctures whach is parallel to the boundary of the low density zone or detached dwelling unit shall not exceed 15 lead in width.</u> Be begind to its Chapter 115 entitled <u>Distance Balveen Binuctures Repardino Maximum Horizontal Facade, Reprintion for further detals.</u> Development on the subject property must be designed to minimize view obstruction from the north. May not access discily onto 2nd, 3nd, 4th, 5th or 6th Streets unless no other access is available. If the subject property contains four or more units, then it must contain at least 200 square leaf per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions:
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CHART	SPECIAL REGULATIONS	For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 1: contains regarding home occupations and other accessory uses, factifiles, and activities associated with this use. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject properity.	 If development will result in the tablation of a low density case, site design, britting design, and tenderaphing must mitigate the impact of that tabulation. Iter mark has the result of the structure at all coholegy at the structure which is paraflet of that tabulation. The heapt of this toucture is adjoining a low density zone or calculated owelfny unit in Planned Area 7C, than ethins: The heapt of this toucture is adjoining a low density zone or calculated owelfny unit area to the structure shall not accorded to the structure which is paraflet of the tour accord. The horizontal impact of this property must be designed to minimize which is paraflet to the boundary of the low density. The horizontal impact of any fracade of the structure which is paraflet to the boundary of the low density. The horizontal impact of any fracade of the structure which is paraflet to the boundary of the low density. The horizontal impact of any fracade of the structure which is paraflet to the boundary of the low density. The horizontal impact of any fracade of the structure which is paraflet to the boundary of the low density. Development on the studied property must be designed to minimize where obstruction fram the north. Development on the studied property must be designed to minimize where obstruction fram the north. Development on the studied property must be designed to minimize where obstruction fram the north. Development on the studied property contains its data 200 square least and the doming methem mum dimensions:	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 for details of what may exceed this height limit, see Chapter 115.
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Revisor 21					<u> </u>						2C-6050/6/12-15-03	2C-60
omber 8, 1989. Aeler tr	 Desolution No. 2474 attects development of this use in this zone until Novomber 8, 1989. Refer to that resolution. 											
h is parallel to the Jarding Maximum	clevation, or b. The houizental longit all any lacade of that portion of the structure which is parallel to the houndary of the low density zone shall not exceed 50 feet in whith. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Norizonial Facade Regulation" for further defails.								<u> </u>			<u></u>
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s localad.	1. May locate on the subject property only it: a. It will serve the immediate neighborhood in which it is located; or b. It will not be definentiat to the character of the neighborhood in which it is located.	H See Section 105.25	m	25' abovo average building	50%	10.	5', hul 2 sido yards	20'	5,000 sq. 11.	Process IIA Chapler 150	Mini-school or Mini-day-care (7 - 12 atlendees) of	Mini-school or Mini-day-care (7 - 12 atlende
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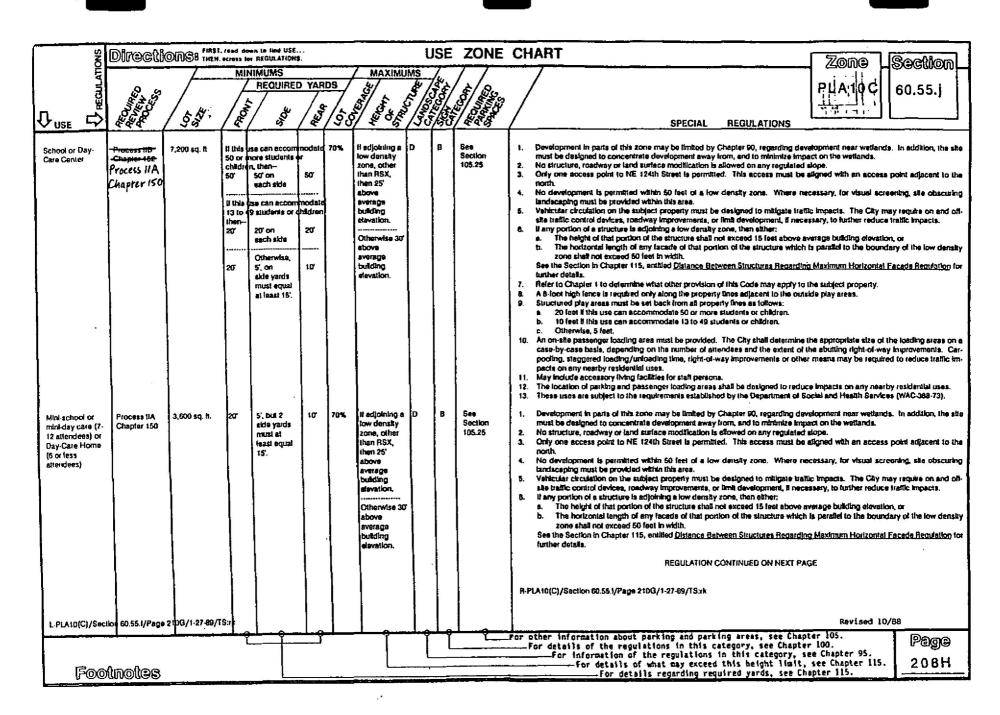
Zone Section	SPECIAL REGULATIONS	Outdoor vehicle or boat parking or storage area must be brittend as recruted for a parking area in Chapter 105. See also vis Section Chapter 115 semitule Orgidor 10, AciNAT park 20, AciNAT parking to humber regulation. It are portion of a structure as adjointing a langtage for humber regulation. It is any portion of a structure actal not sumsky town, then either a. The height of that portion of the structure actal not success is leaf above everage building devalue. It is any portion of any bracks of that portion of the structures which is parallel to the boundary of the low density to an shall not exceed 50 (est in worth. Tons shall not exceed 50 (est in worth. See in Section in Chapter 115 entitled Distance Barners Binctures Regarding Maximum Hoptomist Facada Randshipp for Humber of the structure actal not success the interse which is parallel to the boundary of the low density transmitted that and other portion of the structures frequenting Maximum Hoptomist Facada Randshipp for the register of the structure actal not active the intersection of the structures the structure of the structure halpter may be increased to not foot for each foot that any portion of the structure to and above average budding diversion. To a law of not block local or territorial functure halpter must be increased to bow 20 (est in hybrouph a Process 1h, the structure of the structure halpter may be increased to be obtained and the compensation for the structure to a law of not block local or territorial duration. The horeased begint is not specificably increased to be structured with commercial density and the of the structure actain a structure halpter with the specificable and the diversitient compensation at least must lead the structure action in the structure of the structures to a law of toock local or territorial duration. The horeased begint is not specificable and structure active a spliciable and the structures and the of tooch local or territorial view structure active action of the significant territes the dinderstand at	If any position of a structure is exploring a low density zone, then ether: The inductional incertion of any based of other processed 15 is less hown structure and/or it partial to the boundary of the how duration with the inductional incertion of any stand or other with the inductional incertion. The inductional incertion of any based of other any topic not the structure and the induction of the structure and the structure and the induction of the structure and part of the structure and the induction of the structure induction at a store and induction of the structure induction of structure induction of the structure
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FOOTNOTES	ZC6055B1/12-14-93									Chapter 150	Process IIA	School or Day-Care Process IIB Center Chapter	REQUI	REGUI		-	
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 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 105. For details of what may exceed this height limit, see Chapter 115. For details regarding required yards, see Chapter 115. 				 These uses are subject to the requirements established by the Department of Social and Health Services (WAC 366-73, 388-150, and 388-155). 	6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.	7. May include accessory living facilities for staff persons.	6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of allendees and the extent of the abuilting right-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.	 Structured play areas must be set back from all property lines as follows: 20 leet & this use can accommodate 50 or more students or children. 10 leet If this use can accommodate 13 to 49 students or children. Otherwise, 5 leet. 	4. A six-tool high lance is required only along the property lines adjacent to the outside play areas.	3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.	 Access must be directly from 120th NE, or must be coordinated with commercial development to the west and must be from NE 124th. 	1. Development must relain and maintein the existing Nil form. Sevenly-five percent (75%) of the significant frees on the hill form must be maintained. Supplemental plantings may be required.	SPECIAL REGULATIONS				
PAGE 2078	Revised 2/69		·	I Social and Health	tuce impacts on any		เจ ihə appropriale size of Ndeos and ihə exieni of ปรักฏ ilme, fighi-oi-way ny nearby residenilal		ulside play areas.	o the subject property.	lal development to the	xent (75%) of the nay be required.					

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Diffice Uses	Process (11 Chapter 153 Process 11B Chapter 152	7,200 sq. ft.	207	5', but two skie yards musi equat st (assi 15',	107		Il sojoining a low density zona, lhen see Spec. Heg. #8 Diherwise 40' above average building elevation.		II medical, davial, or vetaria- ary ottice, then one par each 200 sq. ft. gross noor area. Other- wise, one pet each 300 sq. ft. gross Door area.	must be designed to 2. No development is p landscaping must be 3. If any portion of a str a. The treight of th b. The horizontal zone shall not a See the Section in C further details. 4. Relier to Chapter 1 to 5. Ancillary assembly a a. The enclary a b. The outward i different from a	concentrate development away from, and it permitted which 50 feet of a low density z i provided which this trea. ucture is adjoining a low density zone, then ist portion of the structure shall not access length of any facade of that portion of the exceed 50 feet in which, hapter 115, entitled <u>Distance Between Stru-</u> o determine what other provision of this Coo red manufacture of goods on the premise o stembled or manufactured goods are subo appearance and impacts of this use with other office uses.	ons. Where nacessary, for visual screenis other: 15 lest above average building elevation, o structure which is parallel to the boundary cluras Recarding Maximum Horizontel Fac- le may apply to the subject property. I this use are permitted only 5:	ng, site obscuring of the low density a <u>de Regifation</u> for Milles must be no
Anachad or Slacked Dweiling Units	State 210121	8	20'	5, but two stole yards must equal si isast 15		70%	I adjaining = low densky zone, then sws Spec. Reg. #5 Otherwise, 40 above building elevation.		L7 per unit	open space usable dimensions: a. For 4 to 20 us and width of a b. For 2 i or mou The sequired comm pool, cooking tect common open span would the open and reduced open span a. The horizontic a. The horizontic common commension reduced open span a. The horizontic common commension b. The horizontic common commension See the Section In fusther details. 3. Development in po- much be designed 4. Chapter 115 contu- with this use. 5. If adjoining a low- above average bu- a-ruatic(c) 40.53.b. (page	e for many activities. This required common this, the open space must be in one or mo- at least 25 feet. re units, the open space must be in one or it non recreational open space may be redu- ities, playground equipment, a recreation i crea. The City shall determine if these outdo- pace that is reduced based on the numb dimension for the open space containing ce area. structure is adjoining a low density zone, the that portion of the structure shall not excet al length of any lacade of that portion of the structure is adjoining a low density zone, the chapter i its entited <u>Distance Between Sir</u> and so fithis zone may be limited by Chaptel I to concentrate development eway from an also regulations regarding home occupatio density zone, other than RSX, than 25' abo allding elevation.	ed 15 feet above average building elevation; e structure which is parallel to the boundar inclures Regarding development near wellands, is 90 regarding development near wellands, is and other accessory uses, facilities, and we average building elevation. If adjoining July 1988 (Ordinanc Oct., 1998 (Ordinanc Apc., 1995 (Ordinanc	following minimum ind having a length least 40 (set. it outdoor fumiture, are provided in the nal opportunities as one time. Also, the in proportion to the in proportion to the in proportion to the in proportion to the in addition, the she activities associated a RSX zone, then 30' a 31071 a 31261 a 28631
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Zone Section		PLA 13A 60.70.a1	SPECIAL REGULATIONS	 May develop this use only in conjunction with the development localed on the property in the commercial zone abuilting the northern boundary of this zone. If the unblock processes of one consistent use the effective source of any effective transition that the test 	e ner avujek property auguns a normane use, we unintum seuark to any auroure non use non use to containing that non-retail use is infos the height of that structure, as measured on the side of that structure closest to the non-retail use.	if any portion of a structure is adjoining a low density zone, then either: a. The height of theil portion of the structure shall not exceed 15 feet above average building elevation, or b. The horizontial length of any facade of that portion of the arructure which is parallel to the hourdary of the low density zone shalt not axceed 50 feet in width. See the Sedtom in Chepter 115 entitied "Ottence Behween Structures flepanding Maximum Horizontial Facade Reporting for this details.	Free-standing stars and back in signs are not permitted along or oriented to 118th NE and 120th NE.	The City may require that the topograpity be recomoured and that structures be depressed to militate the impacts of bulk and noise on surrounding uses.	11y ords 118th NE.	 Parking and circutation must be coordinated with commercial development to the north. 	 Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	The tofforwing regulations apply only to vahide service stations: a. May not be more than two vahide service stations at any intersection. b. Gas pump latends may extend 20 feat into the food yard. Canopas ar cover gas pump	mer not be closer than 10 test to any property line. See the Section in Chapter 115 entitled "Outdoor Use. Activity and Storage" for further regulators.	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 eales are allowed as part of this use.	On Loi 8, within Block 2, automobile service areas, body shops, and customer parking are not permitted.	REGULATIONS CONTINUED ON NEXT PAGE Revised 11/1/04, 0-24/36	For other information about parking and parking areas, see Chapter 105. PAGE For details of the regulations in this category, see Chapter 100.	For thiormation of the regulations in this category, see Chapter 85. For details of what may exceed this height firm, see Chapter 115. For details regarding required yards, see Chapter 116.
USE ZONE CHART	S	6VC	FARCING S REQUIRED	See 1. Section 1. 105.25	i 	 flarry portion of a stru- a. The height of that a. The height of that alevation, or b. The horizontial fanges See the Section fitch Horizontial Faceboo Fic 	4. Free-standing eigns e	Sea Section Section	A. 109.23 6. May not access directly onto 118th NE.		d. Refer to Chapter 1 to	 The tollowing regulative to the more a. May not be more b. Gas pump tilands to the more and more a	The section in the section in Character in the section in Character in	10. The toltowing regulati a. Vehicle and boat	11. On Lot 6, within Block permitted.		For other information abo	For Information of the reg For details of what may er For details regarding requ
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PAGE	er 105.	1 parking areas, see Chapi)gory, see Chapter 100.	 For other information about parking and parking areas, see Chapter 105. For details of the regulations in this category, see Chapter 100. 								F				
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e average building h is parallel to the boundary parding Maximum	nt enner: 15 feel above ructure which ructures Reg	ing a low censuly zone, the Anucture shall not exceed 1 de of thei porikon of the str t exceed 50 teel in width. ted "Distance Between St luther delaits.	 r. In any powers or a subcuture is adjuring a low censuly zone, unan entrep; a. The height of that portion of the structure shall not exceed 15 feel above average building elevation, or b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the horizontal length of any facade of that portion of the structure which is parallel to the boundary of the horizontal length of any facade of that portion of the structure which is parallel to the boundary of the horizontal length of any facade of the boundary of the boundary structure shall not exceed 50 feel in which. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulations" for further details. 			<u>, </u>	e.	<u>.</u>							
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mine the appropriate size f attendees and the extent juniceding time, right-of- any nearby residential uses	y shall detern le number of sred loading/ tmpacts on a	must be provided. The City ase basis, depending on th mente. Car pooling, stagge may be required to reduce					elevallon		<u>18</u> 5, 8	nust equal at teast 15' Regulation #1	See Reg				
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any structure from the lot reasured on the side of that	ucture, as m	density use, the maximum pai to the height of that sin 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 detached unit. 	See Section 105.25	œ	-~0 	1 adjoining	70%	50 or more			4 4 4 4 4 4 5,200	Procest Chapter 145	School or Day Care Cemer	School o Center
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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 145.30<u>22</u>.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.

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June 1991 (Ordinance 3264)

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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.

<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>, <u>1998</u>.

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

City Clerk