

ORDINANCE 3627

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE AMENDMENT AND RENEWAL OF EMERGENCY, INTERIM REGULATION OF WIRELESS COMMUNICATION FACILITIES.

Whereas, the City has the authority to adopt interim regulations pursuant to RCW 35A.63.220; and

Whereas, the Kirkland City Council, at its August 5, 1997 Council Meeting, determined that there is a need for interim regulation of wireless communication facilities located in the City of Kirkland, and, after holding a public hearing, adopted emergency, interim regulations at said meeting by Ordinance No. 3591, AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE EMERGENCY, INTERIM REGULATION OF WIRELESS COMMUNICATION FACILITIES; and

Whereas, the Kirkland City Council, at its January 20, 1998 Council Meeting, determined that there is a need for extending interim regulation of wireless communication facilities located in the City of Kirkland, and, after holding a public hearing, renewed the interim regulations by Ordinance No. 3621, AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE RENEWAL OF EMERGENCY, INTERIM REGULATION OF WIRELESS COMMUNICATION FACILITIES; and

Whereas, the Kirkland City Council desires to amend the interim regulations to allow for location and co-location on existing wireless communication facilities; and

Whereas, the Kirkland City Council desires to extend the interim regulation of wireless communication facilities for an additional six-month period; and

Whereas, pursuant to RCW 35A.63.220, a public hearing on the regulations herein contained was held prior to the adoption of this Ordinance;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council hereby makes the following findings:

a. There has been a dramatic increase in the number of applications to the City to locate and construct wireless communication facilities;

b. The location and construction of wireless communication facilities in the City, including areas zoned

residential, potentially has an adverse impact on the surrounding neighborhood;

c. Current City regulations relating to the location and construction of wireless communication facilities need to be revised to better address the impact that wireless communication facilities located in the City of Kirkland have on the surrounding neighborhood;

d. The City is currently implementing a work plan to develop an ordinance that specifically addresses the location and construction of wireless communication facilities within the City;

e. Until a permanent ordinance regarding the location and construction of wireless communication facilities can be implemented, there is a need to restrict the location and construction of wireless communication facilities within the City.

Section 2. Definitions. "Area zoned residential" means the portions of the City in 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; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD-I; WD-II; WD-III; PLA 2; PLA 5 A, D, E; PLA 6 A, C, D, E, F, H, I, J, K; PLA 7 A, B, C; PLA 9; PLA 15 B; PLA 16 and P.

"Areas of the City zoned nonresidential" means all portions of the City not in an "area zoned residential" except for street right-of-way.

"Wireless communication facility" means an unstaffed facility for the transmission and/or reception of radio frequency signals which may consist of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices. This definition includes rooftop appurtenances as that term is used in Section 115.60 of the Kirkland Zoning Code.

Section 3. The City of Kirkland shall not accept or process any variance or other zoning or building permit application, filed after the effective date of this Ordinance, for the location and construction of wireless communication facilities in any area zoned residential.

Section 4. For all areas of the City zoned nonresidential, the City shall not accept or process any permit application, filed after the effective date of this Ordinance, for the location and construction of rooftop appurtenances which are more than 10 feet above the height of the structure on the subject property where the rooftop appurtenance is to be located.

Section 5. For all areas of the City zoned nonresidential, the City shall not accept or process any permit application, filed after the effective date of this Ordinance, for the location and construction of any wireless communications facilities over 40 feet in height;

provided, that in areas zoned non-residential, the City may process permit applications to locate or co-locate additional transmission or reception devices on existing wireless communication facilities. Permit applications made pursuant to this Section shall be processed under the provisions of Process I in Chapter 145 of the Kirkland Zoning Code. In addition to the decisional criteria in Process I, the Planning Director shall grant the permit only upon finding that the application will not adversely impact the surrounding neighborhood.

Section 6. For all areas of the City zoned nonresidential, the City shall not accept or process any permit application, filed after the effective date of this Ordinance, for the location and construction of wireless communication facilities unless said facility is set back from all areas zoned residential at a rate of two horizontal feet to every foot in height of the proposed wireless communication facility; provided, that this section shall not apply to applications to locate or co-locate additional transmission or reception devices on existing wireless communication facilities pursuant to Section 5 of this Ordinance.

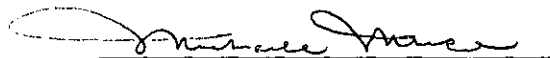
Section 7. This Ordinance shall be effective for six months. This Ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 8. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

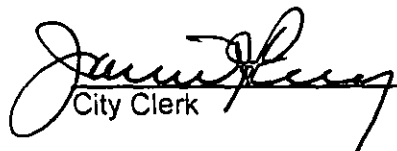
Section 9. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of March, 1998.


Signed in authentication thereof this 3rd day of March, 1998.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney
ord/wirext