

ORDINANCE NO. 3629

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. III-IV-95-30).

WHEREAS, the City Council has received from the Hearing Examiner 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 Hearing Examiner dated February 28, 1998 and bearing Kirkland Department of Planning and Community Development File No. III-IV-95-30; and

WHEREAS, prior to making said recommendation, the Hearing Examiner, following notice thereof as required by RCW 35A.63.070, on December 16, 1997 and February 12, 1998, 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 Hearing Examiner.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

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

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

Community Council or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, 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.

Section 7. A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process III permit or evidence thereof delivered to the permittee.

Section 8. Certified or conformed copies of this resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.


PASSED by majority vote of the Kirkland City Council on the 19th day of May, 1998.

SIGNED IN AUTHENTICATION thereof on the 19th day of May, 1998.



Mayor

Attest:



Deputy City Clerk

ATTACHMENT A

USE		USE ZONE CHART										Zone	Section		
REGULATIONS	Directions FIRST, read down to the USE... THEN, across for REGULATIONS.	MINIMUMS		REQUIRED YARDS		LOT COVERAGE		MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS		
		FRONT	SIDE	REAR	FRONT	REAR	HEIGHT OF STRUCTURE	STRUCTURE							
Private College and related facilities	<p>If development is consistent with the Master Plan adopted in R-2000 or then none.</p> <p>Otherwise Must amend the Master Plan using Process III, Chapter 155.</p>	As established in the Master Plan or as allowed in Special Regulation											<p>(insert new Resolution #)</p> <p>SPECIAL REGULATIONS</p> <p>1. The Master Plan, approved by Resolution 105, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this Code as it pertains to the location, configuration and nature of improvements in the PLA-1 zone.</p> <p>2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:</p> <p>a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the Master Plan.</p> <p>b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed. Landscaping plans shall indicate vegetation to be planted around the perimeter of the college facilities, with special emphasis on adjacent single-family residential developments.</p> <p>c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plan for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.</p> <p>d. Vegetation along the perimeter of the property shall be left intact to the maximum extent possible. In addition, the college shall install permanent landscaping next in advance of construction of building and facilities near the perimeter of the master plan where adjacent to single-family residential structures. The materials used in the perimeter landscaping shall be of a type which will provide a dense year-round visual screen from the ground level up, except where such a screen would obstruct existing views from surrounding properties.</p> <p>e. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of Chapter 107 - Storm Drainage.</p> <p>f. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.</p> <p>g. All main interior streets shall maintain a driving width of twenty-four feet plus curb and gutter improvements on both sides of the streets, for a total of twenty-eight feet. Widths of, and improvements to secondary streets and service roads shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.</p> <p>h. The location, material and design of any walkway within the campus shall be at the discretion of the college and its representatives, but will be reviewed by the Planning Director.</p> <p>i. The "NO PARKING" signs along 110th Avenue N.E., east of the men's dormitory, shall remain indefinitely, to discourage future parking along this street.</p> <p>j. The proposed driveway and parking area associated with the new married student housing will be constructed on the eastern portion of campus, south of the distance of approximately 25 feet from the adjoining property lines to the east. The setback distance could be reduced if the applicant can demonstrate that such reduction would not increase visual, noise, or traffic impacts on surrounding single-family residences.</p>	PLA-1	60.10.a
													<p>(insert new Resolution #)</p>	<p>5592A/B4A/p-1</p>	
													<p>* see attached revision</p> <p>or other information about parking and parking areas, see Chapter 105.</p> <p>For details of the regulations in this category, see Chapter 100.</p> <p>For information of the regulations in this category, see Chapter 95.</p> <p>For details of what may exceed this height limit, see Chapter 115.</p> <p>For details regarding required yards, see Chapter 115.</p>	<p>August 1995 (Ordinance 2894)</p> <p>Page 127</p>	

Footnotes

USE ZONE CHART

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

USE	REGULATIONS
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Required REVIEW PROCESS

LOT SIZE

MINIMUMS	MAXIMUMS
FRONT	HEIGHT OF STRUCTURE
SIDE	LANDSCAPE CATEGORY
REAR	SIGN CATEGORY
REQUIRED YARDS	REQUIRED PARKING SPACES

LOT COVERAGE	REQUIREMENTS
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REAR	REQUIREMENTS
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FRONT	REQUIREMENTS
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LOT SIZE	REQUIREMENTS
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FRONT	REQUIREMENTS
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FRONT	REQUIREMENTS
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SPECIAL REGULATIONS

k. The housing unit, south of Gairloch, and west of 114th Ave. N.E., shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.

l. Parking lots shall include landscaping islands as required by Chapter 105. ~~When parking lots and roadways are located in close proximity to the property, the vegetative buffer shall provide a dense year-round screen from the ground level up where not directly adjacent to residential housing structures. The twenty-five foot setback and fence and vegetative buffer requirements could be reduced, subject to review and approval by the Planning Director.~~

m. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.

n. Construction of the proposed clock tower shall be subject to the issuance of a Process 11B Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council.

~~For access points to NE 53rd Street and internal campus connections, see to be located as illustrated in the adopted site plan.~~

o. The District Office shall have only one access point from 108th Avenue N.E.

p. Deviations from the approved Master Plan may be administratively approved by the Planning Director, provided that such deviations do not violate any of the following standards:

a. No vehicular ingress or egress from surrounding streets may be changed.

b. No roadways, parking lots or structures within 100' of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.

c. No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.

d. Reconstructions of the footprint of the structures shown in the approved plan may be permitted, provided that such changes are not apparent off-site and do not increase building height.

e. Minor new structures not shown on the approved site plan may be permitted, provided that they are at least 200' from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.

..... and

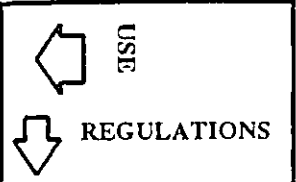
f. There is a change in the use and the zoning Code establishes different or more rigorous standards for the new use than for the existing use, or

g. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the city as a result of the change.

In addition to other Master Plan features, changes to long-term third party tenants of the private college, student population increases beyond 1,200 and changes in use to professional athletic facilities are subject to these criteria. 20041

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

* see attached revision



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

USE ZONE CHART

Zone
PLA 1

Section
60.10C.1

SPECIAL REGULATIONS

USE	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
		LOT SIZE	FRONT	SIDE	REAR	LOT COVERAGE				
Professional Football, Baseball, or Soccer Practice or Play Facility	None, if part of approved Master Plan. Otherwise, Process III Chapter 155	10 acres	As established in the Master Plan or as allowed under Special Regulation #1			80%	30' above average building elevation See Special Regulations #2 and #3	C See Spec. Reg. #4	B See Spec. Reg. #6	See Special Regulation #7 Perimeter buffering shall be a minimum of 30-foot wide and planted and maintained per Chapter 65. The City shall select the type of buffering property owners in the selection of trees to be retained and installed. *32. Maximum height of permanent structures shall be 35 feet above average building elevation. 3. Maximum height of temporary structures shall be 60 feet above finished grade. 5. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted. 6. A single pedestrian or monument sign, non-illuminated, shall be permitted on NE 53rd Street. 7. During summer training camp, the public will be directed, by means of pedestrian signs at entrances to the college, to the parking areas in the interior of the campus. 8. On-site parking shall be adequate to meet peak season use. 9. No public exhibitions or games shall be permitted. 10. No helicopter operations shall be permitted, except for emergency situations. 11. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal, or local regulations. 12. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period. 1. Not more than one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 3. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property. * see attached revision
Detached Dwelling Unit	None	8,500 sq. ft.	20'	5' built 2' side yards must equal at least 15'	10'	50%	25' above average building elevation	E	A	2.0 per unit

ZC6010C/112-15-93

Revised 2/98

FOOTNOTES

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

PAGE

127B.1

USE ZONE CHART

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

Zone
PLA 1

Section
60.10c.2

SPECIAL REGULATIONS

USE REGULATIONS

USE REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS		LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS	
		LOT SIZE	FRONT	SIDE	REAR	LOT COVERAGE					HEIGHT OF STRUCTURE
Public Utility	Process IIA Chapter 150	None	20' on each side	10' on each side	10'	70%	25' above average building elevation	A	B	See Section 105.25	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet 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 low density zone shall not exceed 50 feet in width. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details. 3. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property. 4. Landscape Category 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.
Government Facility	Process IIA Chapter 150	None	20' on each side	10' on each side	10'	70%	25' above average building elevation	C See Spec. Reg. #4	B	See Section 105.25	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.
Community Facility	Process IIB Chapter 152	None	20' on each side	10' on each side	10'	70%	25' above average building elevation	C See Spec. Reg. #4	B	See Section 105.25	
Public Transit Shelter	None	None	0'	0'	0'	100%	15' above average building elevation	...	See Spec. Reg. #2	None	

ZC6010C2/12-15-93

Revised 9/93

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

PAGE
127B.2

FOOTNOTES

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

USE ZONE CHART

Zone PLA 1	Section 60.10.d
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USE	REGULATIONS	REQUIRED REVIEW PROCESS	MINIMUMS			MAXIMUMS				SPECIAL REGULATIONS		
			LOT SIZE	REQUIRED YARDS			LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY		SIGN CATEGORY	REQUIRED PARKING SPACES
				FRONT	SIDE	REAR						
Public Park		See Special Regulations #2 and #3	None	Will be determined on a case-by-case basis					B	See Section 105.25	<ol style="list-style-type: none"> If any portion of a structure is adjoining a low density zone, then either: <ol style="list-style-type: none"> The height of that portion of the structure shall not exceed 15 feet above average building elevation, or The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width. See the Section in Chapter 115 entitled <u>Distance Between Structures Regarding Maximum Horizontal Facade Regulation</u> for further details. Development and use of a park does not require a development permit under this Code if-- <ol style="list-style-type: none"> A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or The proposed use and development-- <ol style="list-style-type: none"> Will not involve lighting for outdoor nighttime activities; and Will not involve the construction of any building of more than 4,000 square feet; and Will not involve the construction of more than 20 parking stalls; and Will not involve the development of any structured sports or activity areas. Any development or use of a park that does not meet the requirements of Special Regulation #2 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: <ol style="list-style-type: none"> Ease of access to the park. Character of the neighborhood. Size, nature and topography of the subject property. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property. 	
Church		If development is consistent with the Master Plan adopted in R-... then none. Other: wise, must amend the Master Plan using Process III, Chapter 155.	As established in the Master Plan or as allowed in Special Regulations established for "Private College and related facilities" use, above.									

R PLA 1 60.10c (page 127B) 10-19-88/TS np

June 1988 (Ordinance 3101)
 Feb. 1988 (Ordinance 3077)
 Aug. 1985 (Ordinance 2694)

Footnotes

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

* **PLA 1 Special Regulations Revisions/Additions:** Sections 60.10.a, 60.10.b and 60.10c.1

(Use: Private College and related facilities - New/revised regulations)

- 2.d. A 30'-wide landscape buffer (Buffering Standard 2) shall be provided around the campus perimeter, except along 108th Ave NE, 114th Ave NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.

A 15'-wide landscape buffer (Buffering Standard 2) shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.

New construction (buildings and parking areas) shall preserve existing significant trees to the maximum extent possible.

- 2.h. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director, provided, that the pedestrian/bicycle path in 114th Ave NE shall be asphalt or concrete, 8' wide.
- 2.j. Within 30' of all outer edges of the campus (except along 108th Ave NE, 114th Ave NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
- 2.o. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave NE right-of-way.
- 2.q. New buildings or building expansions must conform with Design Guidelines adopted as part of the Master Plan.
- 2.r. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
- 2.s. For other regulations applicable to this use, see the Master Plan approved under Resolution R-(insert new Resolution #).
- 2.t. Structure height shall not exceed 30' above Average Building Elevation (ABE) if located within 100' of the campus perimeter, or 40' above ABE if located greater than 100' from the campus perimeter.

(Use: Professional Football, Baseball, or Soccer Practice or Play Facility - New/revised regulations)

2. Maximum structure height is determined by the approved Master Plan.
4. Perimeter buffering is determined by the approved Master Plan.

PUBLICATION SUMMARY
OF ORDINANCE NO. 3629

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. III-IV-95-30).

Section 1. Amends Section 60.10 of the Kirkland Zoning Code (PLA 1 Zone) to establish "Church" as an allowable use in the PLA 1 Zone, and to establish the review process and regulations applicable thereto; and to establish and/or amend the development regulations applicable to the "Private College and related facilities" and the "Professional Football, Baseball, or Soccer Practice or Play Facility" uses within the PLA 1 Zone.

Section 2. Provides a severability clause for the ordinance.

Section 3. Establishes that to the extent the subject matter of the ordinance is subject to the disapproval jurisdiction of the Houghton Community Council, the ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said community Council to disapprove the ordinance within 60 days of the date of its passage.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

Section 5. 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 19th day of May, 1998.

I certify that the foregoing is a summary of Ordinance No. 3629, approved by the Kirkland City Council for summary publication.

Deputy City Clerk

