

ORDINANCE NO. 3641

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING FOR FAMILY DAY-CARE HOMES AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE, FOR THE AREA OF THE HOUGHTON MUNICIPAL CORPORATION (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:

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 for the area of the Houghton Municipal Corporation 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

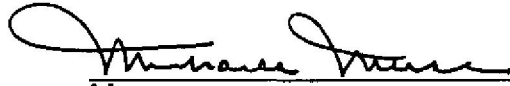
ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

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.

Section 5. 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 23rd day of June, 1998.


SIGNED IN AUTHENTICATION thereof this 23rd day of June, 1998.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

300. Family - 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.
302. 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. Fast Food Restaurant - 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. Fence - A man-made wall or barrier constructed for the purpose of enclosing space or separating parcels of land.
315. Fill Material - 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. Finished Grade - The final contour of the land surface prior to landscaping.
325. Floor - The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.
326. Frequently Flooded Areas - As defined in Chapter 90 of this Code.
327. Fuel Price Sign - A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.
328. Geologically Hazardous Areas - As defined in Chapter 85 of this Code.
330. Glare - 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. Government Facility - A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
340. Gross Floor Area - 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. Ground Floor - 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. Ground Mounted Sign - All of the following: pole signs, pedestal signs and monument signs.
351. Hazardous Waste - All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (see RCW 70.105.010(15)).

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. Marquee Sign - 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. Master Plan - 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. Maximum Lot Coverage - 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. Medium Density Use - 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. Medium Density Zones - 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. Mean Sea Level - The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.
527. Mini-Day-Care Center - A Day-Care operation with ^{no more than} ~~seven (7)~~ to twelve (12) attendees at any one time, not including immediate family members who reside in the center.
528. Mini-School - 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. Minor Improvements - As defined in Chapter 90 of this Code.
530. Minor Lake - As defined in Chapter 90 of this Code.
535. Minor Stream - Any stream that does not meet the definition of major stream.
537. Modify - As used in Chapters 75, 122 and 125, the word modify means to allow or require a deviation from the provisions of this Code.

USE ZONE CHART										
DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
	REQUIRED YARDS	REAR	FRONT	LOT COVERAGE	HEIGHT OF STRUCTURE	LOT SIZE				
<p>USE REGULATIONS</p> <p>MIN school or Mini-Day Care Center (7-AE- attendants)</p> <p>Day-Care Home (attendants-attendants)</p>	<p>REQUIRED REVIEW PROCESS</p> <p>Process 1 Chapter 145</p> <p>None</p>	<p>FRONT</p> <p>20'</p>	<p>SIDE</p> <p>5', but 2 side yards must equal at least 15'</p>	<p>REAR</p> <p>10'</p>	<p>LOT COVERAGE</p> <p>50%</p>	<p>HEIGHT OF STRUCTURE</p> <p>25' above average building elevation</p>	<p>LANDSCAPE CATEGORY</p> <p>E</p>	<p>SIGN CATEGORY</p> <p>E See Spec. Req. #8</p>	<p>REQUIRED PARKING SPACES</p> <p>See Section 105.25</p>	<p>Section 15.10.d</p> <p>Zone RS</p> <p>SPECIAL REGULATIONS</p> <ol style="list-style-type: none"> Minimum lot size per development is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. May locate on the subject property if: <ol style="list-style-type: none"> it will not be materially detrimental to the character of the neighborhood in which it is located. Site design must minimize adverse impacts on surrounding residential neighborhoods. A six-foot 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 impacts on nearby residential uses. Structured play areas must be setback from all property lines by 150 feet. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. The location of parking and passenger loading areas shall be designated to reduce impacts on nearby residential uses. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. May include accessory living facilities for staff persons. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).
ZC-1510D(1)-4-92										Revised 10/92
<p>FOOTNOTES</p> <p>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.</p>										
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(NEW SECTION)

USE

Zone
RS

Section

USE ZONE CHART

Directional Sign First, read down to find USE... then, across to REGULATIONS.

USE	REGULATIONS	MINIMUMS			MAXIMUMS			LANDSCAPE CATEGORY	SIGN CATEGORY	REQUIRED PARKING SPACES	SPECIAL REGULATIONS
		FRONT	SIDE	REAR	LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY				
Family Day-Care Home	None	20'	5', and 2 side yards must equal at least 15 feet.	10'	60%	25' above average building elevation.	E	A	2 1/2 spaces (each) per unit	<p>1. Minimum lot size per dwelling unit is as follows:</p> <ul style="list-style-type: none"> a. In RS 35 Zones, the minimum lot size is 35,000 square feet. b. In RS 12 5 Zones, the minimum lot size is 12,500 square feet. c. In RS 8 5 Zones, the minimum lot size is 8,500 square feet. d. In RS 7 2 Zones, the minimum lot size is 7,200 square feet. e. In RS 5 0 Zones, the minimum lot size is 5,000 square feet. <p>2. Family day-care provider must be licensed by the state to operate a family child day-care home.</p> <p>3. A safe passenger loading area as certified by the state office of child care policy licenser shall be provided.</p> <p>4. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.</p> <p>5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-155).</p>	

RS 11-10-01-01-01-01-01-01-01-01

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.

Footnotes

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USE ZONE CHART		Zone		Section				
REGULATIONS	REQUIRED REVIEW PROCESS	LOT SIZE	MINIMUMS	MAXIMUMS	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SPACING CATEGORY	REQUIRED PARKING SPACES
USE	REGULATIONS	MINIMUMS	REQUIRED YARDS	REAR LOT COVERAGE	HEIGHT OF STRUCTURE	LANDSCAPE CATEGORY	SPACING CATEGORY	REQUIRED PARKING SPACES
School or Day Care Center	Process III Chapter 155	Must be part of a development with a site area of at least 15 acres with 3,000 sq. ft. per unit.	70'	5', but 2 1/2' yards must equal at least 15'	70%	E	D	See Section 105.25
			REGULATIONS: CONTINUED FROM PREVIOUS PAGE					
			MINIMUMS					
			REQUIRED YARDS					
			REAR LOT COVERAGE					
			HEIGHT OF STRUCTURE					
			LANDSCAPE CATEGORY					
			SPACING CATEGORY					
			REQUIRED PARKING SPACES					
			SPECIAL REGULATIONS					
			CONTINUED FROM PREVIOUS PAGE					
			Zone					
			Section					
			60.20.a.4					
			PLA3N					
			60.20.a.4					
			SPECIAL REGULATIONS					
			CONTINUED FROM PREVIOUS PAGE					
			The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.					
			A 6 foot high fence is required only along the property lines adjacent to the outside play areas.					
			Times of operations may be limited to reduce impacts on nearby residential areas.					
			Structural play areas must be set back from all property lines as follows:					
			a. 20 feet if this use can accommodate 50 or more students or children.					
			b. 10 feet if this use can accommodate 13 to 49 students or children.					
			c. Otherwise, 5 feet.					
			An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case by case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements.					
			Carpooling, staggered loading/unloading times, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses.					
			May include accessory living facilities for staff persons.					
			Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.					
			The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.					
			These uses are subject to the requirements established by the Department of Social and Health Services (WAC 358-73).					
			This development may also be regulated under the City's Signage Master Program; consult that document.					
			Development in parts of this zone may be limited by Chapter 90 regarding development near streams, lakes and wetlands.					
			Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard area at the SR 520 interchange. The City may limit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right-of-way encroachment.					
			If the development includes portions of Planned Area 2, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3.					
			The height of structures may be increased as follows:					
			a. The structure does not exceed 60' above average building elevation.					
			b. The amount of porous surface on the subject property in this zone significantly exceeds 50%, and					
			c. The site is designed to the maximum extent feasible to provide views through the subject property from Lake Washington Boulevard and Duane Way while complying with Special Regulation # 1.					
			City roadway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows:					
			a. An arched beam, 12 feet wide and with a uniform height of 3 feet at the center,					
			b. A curb covering the beam.					
			c. A concrete curb at least 2 inches in diameter, placed 30 feet on center along the beam.					
			The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased 2 feet for each foot the structure exceeds 25 feet above average building elevation.					
			A 6' high fence is required along the property lines adjacent to the outside play areas for non-schools and mid-day care centers only.					
			Means of egress may be limited by the City to reduce impacts on nearby residential uses.					
			Structural play areas must be setback from all property lines by 5'.					
			An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.					
			The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.					
			May include accessory living facilities for staff persons.					
			Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.					
			These uses are subject to the requirements established by the Department of Social and Health Services (WAC 358-73).					
			L.P.A.3/Section 61.20 c./Page 132./B-31-08/TS:ik					
			L.P.A.3/Section 60.70 c./Page 137A/B-31-08/TS:ik					
			Revised 1/09					
			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.					
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(NE SECTION)

USE ZONE CHART		Zone	Section
<p>USE</p> <p>Family Day-Care Home</p>	<p>REGULATIONS</p> <p>Required Review Process</p>	<p>PLA3A</p>	
<p>MINIMUMS</p> <p>FRONT YARD: 5' but 2 side yards must equal at least 15'</p> <p>REAR YARD: 10'</p> <p>LOT SIZE: 5,000 sq. ft. (per unit)</p>	<p>MAXIMUMS</p> <p>HEIGHT OF STRUCTURE: 31' above average building elevation</p> <p>LOT COVERAGE: 10%</p>	<p>SPECIAL REGULATIONS</p> <ol style="list-style-type: none"> This development may also be regulated under the City's Stormwater Program, consult final document. Development in terms of this zone may be limited by Chapter 10, regarding development near streams, lakes and wetlands. Shared access roads must be utilized where feasible. City narrowway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows: <ol style="list-style-type: none"> An entrance basin, 12 feet wide and with a uniform height of 3 feet at the center. Lawn covering the basin. Lawn flume at least 2 inches in diameter, fluted 20 feet on center along the basin. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased 2 feet for each 1 foot that structure exceeds 35 feet above average building elevation. 	
			<p>7. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided.</p> <p>8. Refer to chapter 1 to determine what other provisions of this Code may apply to the subject property.</p> <p>9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-155).</p>
			<p>11 PLA3/Section 0120 a /Page 131 of 31-00/15:sk</p>
			<p>or other information about parking and parking areas, see Chapter 105.</p> <p>For information of the regulations in this category, see Chapter 108.</p> <p>For details of what may exceed this height limit, see Chapter 95.</p> <p>For details regarding required yards, see Chapter 115.</p>
			<p>Footnotes</p>
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PUBLICATION SUMMARY
OF ORDINANCE NO. 3641

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING FOR FAMILY DAY-CARE HOMES AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE, FOR THE AREA OF THE HOUGHTON MUNICIPAL CORPORATION (FILE NO. IV-97-68).

SECTION 1 Amends specific portions of the text of the Zoning Code for the area of the Houghton Municipal Corporation as follows:

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 and PLA3A 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 and PLA3A zones.

SECTION 2 Provides a severability clause for the ordinance.


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

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 the 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 23rd day of June, 1998.

I certify that the foregoing is a summary of Ordinance 3641 approved by the Kirkland City Council for summary publication.


City Clerk