

ORDINANCE NO. 3647

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE; AMENDING CHAPTER 115 GOVERNING HOME OCCUPATIONS, AND CREATING A DEFINITION OF "BED AND BREAKFAST HOUSE," (FILE NO. IV-98-2).

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 May 26, 1998 and bearing Kirkland Department of Planning and Community Development File No. IV-98-2; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 14, 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 SEPA Addendum issued by the responsible official pursuant to WAC 197-11-625; 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 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 resolution, including Findings, Conclusions and Recommendations adapted 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 11th day of August, 1998.

SIGNED IN AUTHENTICATION thereof this 11th day of August, 1998.




Mayor

Attest:



Deputy City Clerk

Approved as to Form:



City Attorney

Attachment A

Home Occupation Zoning Code Amendments

8/4/98

Section 115.65

Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses

1. General - The regulations of this Section apply to every residential use within the City.
2. Home Occupations
 - a. Purpose - The purpose of this section is to allow commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.
 - b. Home Occupation Regulations - A Home Occupation may be conducted subject to the following regulations:

A Home Occupation is permitted if it:

- 1) Is carried on exclusively by family members who reside in the dwelling unit and not more than two additional people who are not residents of the dwelling;
- 2) Is conducted indoors and has no outside storage, exterior indication, or outside activity, including equipment stored on vehicles;
- 3) Requires no alteration to the interior or exterior of the dwelling that changes its residential character;
- 4) Involves activities, including but not limited to heavy equipment, power tools, power sources, or other equipment, which do not result in noise, vibration, smoke, dust, odors, heat, or other conditions that exceed in duration or intensity, such conditions normally produced by a residential use;
- 5) Has no pickup or delivery by commercial vehicles, however occasional mail and courier deliveries are permitted;
- 6) Does not include the following businesses:
 - a. motor vehicle-related businesses including but not limited to auto, truck, body work, detailing, painting, or taxicab, van shuttle, limousine, towing, or other transportation service or sales;
 - b. repair or sales of large appliances or heavy equipment;
 - c. welding;
 - d. kennels or commercial stables;
 - e. inventory storage of more than 1,200 cubic feet of materials;
 - f. restaurants; and
 - g. landscaping

Office-only activities for the above uses may be allowed as home occupations provided all other requirements of this section are met;

- 7) Does not include more than 4 persons per day and no more than 2 persons at any time coming to and leaving from the subject property for goods or services. Customer visits or deliveries to a Home Occupation shall be between the hours of 8:00 a.m. and 8:00 p.m..(not applicable to bed and breakfast house);
 - 8) Operates no more than one vehicle, van , truck or similar vehicle, not exceeding a gross vehicle weight of 10,000 pounds; and
 - 9) Has no signs other than one building mounted, non-illuminated sign with a maximum size of 2 square feet.
- c. A Home Occupation which does not meet one or more of the requirements of paragraph 2.b. of this Section may be approved using Process IIA, described in Chapter 150 of this Code, if it:
- 1) Will not harm the character of the surrounding neighborhood;
 - 2) Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:
 - a) is appropriately screened from other properties;
 - b) does not emit noise, odor, or heat; and
 - c) does not create glare;
 - 3) Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and
 - 4) Will not generate excessive traffic or necessitate excessive parking.
- d. Licensing: A business license shall be required for all home occupations.
- e. Revocation of Home Occupation Permit: Upon determination that there has been a violation of any decision criteria or condition of approval of a home occupation permit granted pursuant to Section 115.65.2.c, the Director of Planning and Community Development may revoke a home occupation permit pursuant to the provisions of Chapter 170-Zoning Code Enforcement.
- f. Bed and breakfast house

The City will use a Process IIA, described in Chapter 150 of this Code, to review and decide upon an application for a bed and breakfast house. A bed and breakfast house may be permitted provided it meets the criteria listed in Section 115.65 -Home Occupations, and the following standards:

1. It is operated by the owner of the dwelling in which it is located and it is the primary residence of the owner/operator;
2. There is a maximum of 4 guest rooms;

3. Guests stay a maximum of 30 days;
4. Food service shall be limited to serving overnight guests of the establishment. Individual rooms shall not be equipped with cooking facilities;
5. The applicant may be required to provide up to one parking stall per guest room. The applicant shall demonstrate the parking provided will be adequate based on the following criteria:
 - a. the number of guest rooms,
 - b. the number of permanent residents of the dwelling proposed for the bed and breakfast,
 - c. the number of parking stalls that can be accommodated in a garage or driveway, and
 - d. the number of legal on-street parking stalls immediately adjacent to the bed and breakfast.
6. Concentrations of bed and breakfasts houses: Where a bed and breakfast house is proposed within 500 feet of another bed and breakfast house, the applicant shall demonstrate that the neighborhood will not be adversely affected by the concentration.

WPLZCCHI 15-65/8-4-98/JS:ct

Amendment to Section 5.10 of the Kirkland Zoning Code

Add a new definition 5.10.77 to read as follows:

.77 Bed and breakfast house - An owner-occupied detached dwelling unit that contains guest rooms where lodging with or without meals is provided for compensation. bed and breakfast houses, as defined, are home occupations pursuant to this code.