

ORDINANCE 3693

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO ZONING, PLANNING, AND LAND USE, AMENDING CHAPTER 115 OF THE KIRKLAND ZONING CODE, AND DELETING "PUBLIC TRANSIT SHELTER" FROM ALL USE ZONE CHARTS (FILE NO. IV-99-3)

WHEREAS, the City Council has received from the Kirkland Planning Director a recommendation to amend certain sections of the text of the Kirkland Zoning Code, all as set forth in that certain report and recommendation of the Planning Director dated June 4, 1999, and bearing Kirkland Department of Planning and Community Development File No. IV-99-3, ; and

WHEREAS, prior to making the recommendation, the Planning Director, following notice thereof as required by RCW 35A.63.070, on May 24, 1999, held a public hearing on the amendment proposals and considered the comments received at the hearing; now, therefore

The City Council of the City of Kirkland, Washington, do ordain as follows:

Section 1. The Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) is amended in accordance with Attachment A, which by this reference is incorporated herein.

Section 2. The Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) is hereby amended by the deletion of the Public Transit Center use and its associated regulations from each of the following sections (Use Zone Charts): 15.10.f, 17.10.f, 20.10.p, 25.10.h, 27.10.d, 30.10.i, 30.15.c, 30.20.h, 35.10.d, 35.15.h, 35.20.h, 40.10.f, 45.10.h, 47.10.p, 50.10.g, 50.15.m, 50.20.i, 50.25.n, 50.30.n, 50.35.h, 50.40.f, 50.45.t, 52.10.q, 52.15.q, 52.20.g, 52.25.m, 52.30.m, 52.35.i, 55.15.180, 57.15.280, 60.10c.2, 60.15.b60.20.a6, 60.20.b8, 60.30.a4, 60.30.b6, 60.30.c8, 60.30.d6, 60.30.e4, 60.35.a4, 60.35.b5, 60.35.c4, 60.35.d4, 60.35.e4, 60.35.f5, 60.35.150, 60.35.h3, 60.35.i3, 60.35.j4, 60.35.k3, 60.40.a5, 60.40.b5, 60.40.c5, 60.45.e, 60.50.f, 60.55.c, 60.55.h1, 60.55.l, 60.60.160, 60.65.b, 60.70.a7, 60.70.b6, 60.80.a10, 60.80.b4, 60.85.c2, 60.90.a6, 60.90.b5, 60.90.c10, and 65.10.b.

Section 3. If any section, paragraph, sentence, clause, phrase, or word of this ordinance, including those parts adopted by reference, be declared invalid or unconstitutional by a court or agency of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences,

clauses, phrases, or words of this ordinance, all of which will remain in full force and effect.

Section 4. 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 5. Except as provided in Section 4, this ordinance shall be in 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 6. A complete copy of this ordinance 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 15th day of June, 1999.

SIGNED IN AUTHENTICATION thereof this 15th day of June, 1999.



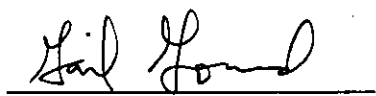
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Attachment A

CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.05	User Guide
115.10	Accessory Uses, Facilities and Activities
115.15	Air Quality Regulations
115.20	Animals In Residential Zones
115.25	Development Activities and Heavy Equipment Operation - Limitations On
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115.40	Fences
115.45	Garbage Receptacles and Dumpsters, Placement and Screening
115.50	Glare Regulation
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115.65	Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses
115.70	Junk and Junk Yards Prohibited
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115.80	Legal Building Site
115.85	Lighting Regulations
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115.115	Required Yards
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115.125	Rounding of Fractions of Dwelling Units
115.135	Sight Distance at Intersection
115.140	Temporary Trailers For Construction and Real Estate Sales Offices
115.145	Trees, Certain Species Prohibited
115.150	Vehicles - Size in Residential Zones Limited
115.155	Water Quality Regulations

115.142 Transit Shelter Regulations

115.05 User Guide

This Chapter contains a variety of regulations and standards that apply to the development and use of land. The regulations in this Chapter do not all pertain to the same general subject matter. The regulations are arranged alphabetically so that careful review of the table of contents is important to finding all pertinent regulations.

115.10 Accessory Uses, Facilities and Activities

1. General - Accessory uses, facilities and activities normally associated with a use listed as a permitted use in a zone are permitted as part of that permitted use. Any accessory use, facility or activity must be clearly seen

- g. One-way Streets and Streets with Median Barriers - The provisions of this Section are written to apply to streets with two-way traffic and without a median barrier. The Public Works Director may modify the requirement of this Section to fulfill the purpose of these regulations for intersections including a one-way street or a street with a median barrier.
- h. Intersections Not Specifically Regulated - The Public Works Director shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than 2 streets and for other intersections that are not specifically regulated in Paragraph 2.a. through 2.f. of this Section.

3. Permissible Intrusion in the Area to be Kept Clear of Sight Obstruction

- a. General - Except as stated in paragraph 3.b. of this Section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other thing may be within the area to be kept clear of sight obstructions between 3 feet and 8 feet above the elevations of the pavement edge of each intersecting street, driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.
- b. Exceptions - The following are permitted to be within the area that must be clear of sight obstructions:
- 1) Any structure erected before the effective date of the Code.
 - 2) Natural topography of the ground. However, the Public Works Director may require land surface modification to fulfill the intent of this Section as part of any development activity on the subject property.
 - 3) Any number of tree trunks and sign or utility poles if the Public Works Director determines that adequate visual access is available between these tree trunks or poles.

115.140 Temporary Trailers For Construction and Real Estate Sales Offices

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a Certificate of Zoning Compliance for the building or use.

115.145 Trees, Certain Species Prohibited

The following types of trees may not be planted closer than the listed minimum planting distance to streets or sewers:

115.142 Transit Shelters, Public

Public transit shelters are allowed in all zones. Shelter height shall not exceed 15 feet above average building elevation, and the use must not unreasonably impede pedestrian movement or create traffic safety problems. Transit route and information signs and markers may be installed. 100% lot coverage is allowed. There are no specific requirements for review process, minimum lot size, minimum required yards, landscaping, or parking for this use.

115.60

Height Regulations, Exceptions To

1. General - No element or feature of a structure, other than as listed in paragraph 2 of this Section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 65 of this Code.

2. Exceptionsa. Detached Dwelling Units

- 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.
- 2) Rod, wire and dish antennas, to the extent they do not constitute personal wireless service facilities, which are subject to the provisions of Chapter 117 of this Code, may not be placed above the maximum height allowed for any structure unless approved by the Planning Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, ~~Sections 145.55 through 145.110.~~ Section 145.60

For the purposes of this paragraph, "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30 percent of its vertical dimension. The phrase "rod or wire antenna" includes those antennas not falling within the definition of dish antenna and antennas for use by licensed amateur radio operators.

b. Other Structures

- 1) Rooftop appurtenances for all structures other than detached dwelling units may exceed the applicable height limitation by a maximum of four (4) feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint. These structures must be located in such a way as to minimize view blockage.
- 2) Appurtenances that do not meet the standards of paragraph (1) above, may be permitted if the Planning Official determines that, based on accurate graphic representations provided by the applicant, views from adjacent properties will not be significantly blocked.
- 3) Any appurtenance, other than chimneys and antennas, must be screened from all streets and nearby properties. See Section 115.120 for standards pertaining to rooftop screening
- 4) The provisions in Chapter 117 related to personal wireless service facilities supercede the provisions of this Section to the extent an appurtenance falls within the definition of a personal wireless service facility.

6/28/98

structure visibility from adjacent properties, while still permitting effective operation; and

- 2) The radio tower and antenna structure does not extend higher than reasonably necessary to operate effectively; and
- 3) The radio tower and antenna structure does not physically interfere with nearby utility lines.

Section 145.22 ~~145.36~~ as to each such application which shows the proposed tower and/or antenna to either exceed the maximum allowable height for the zone in which it is located, or be within 20 feet of an electrical power or telecommunication utility line.



Any person believing a radio tower or antenna structure does not comply with the foregoing, may request in writing a determination of compliance from the Planning Director, providing such request is filed with the City and a copy delivered to the permit applicant within 14 days of the date of publication of the notice of filing. The Planning Director shall make such determination utilizing Process I described in Chapter 145 of this Code. In making his determination, the Planning Director shall take into consideration the strong federal interest in promoting amateur communications and the rules adopted by the Federal Communications Commission in support of that interest to regulate the amateur service (47 CFR Part 97 and FCC PRB-1).

- d. CBD and JBD Zones - In the CBD and JBD zones, if the structure has a peaked roof, the peak may extend 5 feet above the height limit. The slope of the roof must be equal to or greater than 3 feet vertical to 12 feet horizontal.

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. 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
- 3. Home Occupation - A Home Occupation may be conducted subject to the following regulations:
 - a. A Home Occupation is permitted if it --
 - 1) Is carried on exclusively by a family member who resides in the dwelling unit; and
 - 2) Has no outside storage, exterior indication, or outside activity; and
 - 3) Uses no heavy equipment, power tools or power sources not common to a residence; and

see Ord 2647

2. State Code - The applicant shall comply with the Washington State Energy Code with respect to the selection and regulation of light sources.
3. Glare From Subject Property Prohibited - The applicant shall select, place and direct light sources both directable and non-directable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

115.90

Calculating Lot Coverage

1. General - The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
2. Exceptions
 - a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.
 - b. ~~If the subject property is served by an access easement or tract, it shall be used in calculating lot coverage unless the access easement covers more than one lot that does not abut a right-of-way.~~
 - c. Grass grid pavers will be calculated as impervious surface at a ratio of 50 percent of the total area covered.
 - d. Outdoor swimming pools
 - e. Pedestrian walkways required by Section 105.18 and Section 105.60.4.

An access easement or tract that serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.

115.95

Noise Regulations

1. Maximum Environmental Noise Levels
 - a. State Standard Adopted - The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.
 - b. Watercraft Noise Performance Standards - The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.
 - c. Availability - These regulations are available for inspection and copying in the Planning Department during regular business hours.
2. Noise - Public Nuisance - Any noise which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.
3. Bonds - The City may require a bond under Chapter 175 of this code to insure compliance with the provisions of this Section.

115.100

Odor

Any odor which injures, endangers the comfort, repose, health or safety of person on abutting properties or streets, or in any way renders persons insecure in life, or in the use of abutting properties or streets is a violation of this Code.

115.105 Outdoor Use, Activity, and Storage...

2. Commercial & Industrial Non-Residential ...

d. Exceptions

2) Exception to 2.c.1) and 2.c.2)

(i.e., must comply with buffers for primary use, and must screen with a 6-ft. high solid fence)

2)

Outdoor use, activity and storage areas which are located adjacent to a fence or structure which is a minimum of 6' above finished grade; and do not extend outward from the fence or structure more than 5 feet provided that the total horizontal dimensions of these areas shall not exceed 50% of the length of the facade or fence (see Plate 11).

3)

If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use activity or storage may extend beyond 5' if a clearly defined walking path at least 3' in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50% of the length of the facade of the structure or fence (see Plate 11).

4)

Outdoor dining areas. In addition to being exempt from paragraphs 2.c.1) and 2.c.2) of this section, table umbrellas may exceed the 6 foot height limitation of paragraph 2.c.4) of this section.

5)

~~Outdoor display of vehicles for sale or lease provided that they meet~~ all of the standards of Section 105.80.1.a and b of this Code. Section 105.80.2.a is not applicable, therefore, the requirements of 105.80.1.a and b must be met in the CBD for outdoor display of vehicles for sale or lease.

That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use provided that it meets

e. Modification - The applicant may request a modification of the requirements of paragraphs b through d of this section by submitting a written request with their site plan to the Department of Planning and Community Development for review. The Planning Official may approve a modification if --

- 1) The modification will not create a greater impact on any nearby residential use than would be created without the modification; and
- 2) The modification will not detract from the character of nearby uses; and
- 3) The modification will not be injurious to public health, safety or welfare; and
- 4) The modification complies with the Land Use Policies Plan.

f. Appeals of Outdoor Use, Activity and Storage Modification Requests.

- 1) Who Can Appeal - Any person who is aggrieved by a determination regarding a modification for outdoor use, activity or storage may appeal that determination at any time.
- 2) How to Appeal - The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by Ordinance.

- g. One-way Streets and Streets with Median Barriers - The provisions of this Section are written to apply to streets with two-way traffic and without a median barrier. The Public Works Director may modify the requirement of this Section to fulfill the purpose of these regulations for intersections including a one-way street or a street with a median barrier.
- h. Intersections Not Specifically Regulated - The Public Works Director shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than 2 streets and for other intersections that are not specifically regulated in Paragraph 2.a. through 2.f. of this Section.

3. Permissible Intrusion in the Area to be Kept Clear of Sight Obstruction

a. General - Except as stated in paragraph 3.b. of this Section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other thing may be within the area to be kept clear of sight obstructions between 3 feet and 8 feet above the elevations of the pavement edge of each intersecting street, driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.

b. Exceptions - The following are permitted to be within the area that must be clear of sight obstructions:

- ~~1) Any structure erected before the effective date of the Code.~~
- ~~2) Natural topography of the ground. However, the Public Works Director may require land surface modification to fulfill the intent of this Section as part of any development activity on the subject property.~~
- ~~3) Any number of tree trunks and sign or utility poles if the Public Works Director determines that adequate visual access is available between these tree trunks or poles.~~

Natural and fabricated objects and natural topography of the ground if the Public Works Director determines that adequate visual access is available. However, to fulfill the intent of this Section, the Public Works Director may require land surface modification as part of any development activity on the subject property.

115.140 Temporary Trailers For Construction and Real Estate Sales Offices

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a Certificate of Zoning Compliance for the building or use.

115.145 Trees, Certain Species Prohibited

The following types of trees may not be planted closer than the listed minimum planting distance to streets or sewers:

- 8. Bonds - The City may require the following bonds, per Chapter 175:
 - a. A performance bond to guarantee that the land surface modification will conform to City standards; and/or
 - b. A maintenance bond after the land surface modification is completed.

9. Tree and Plant Restoration

If any tree required to be retained or planted is damaged or destroyed, the applicant shall plant a tree of the same species at least 3 to 5 inches in diameter, if deciduous, as measured one foot above grade or at least 16 feet high, if coniferous, in the immediate vicinity of the damaged or destroyed tree. The City may require the applicant to remove the damaged or destroyed tree.

In addition, if grading or clearing destroys groundcover or shrubbery, the applicant shall hydroseed the bare soil and plant shrubs at least 24 inches in height in the immediate vicinity of the damaged or destroyed vegetation.

115.80 Legal Building Site

- 1. General - It is a violation of this Code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:
 - a. It was created or segregated pursuant to all applicable laws, ordinances and regulation.
 - b. Except as specified in paragraph 2 of this Section, it meets the allowable minimum lot size established by this Code.
 - c. It is either adjacent to or has a recorded access easement to a street providing access to the lot or parcel, that meets the minimum requirements established under this Code.
- 2. Exception Detached Dwelling Units - An applicant may build one detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if--
 - a. The applicant applies for necessary permits to construct the unit within 5 years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County Subdivision and Zoning laws; or
 - b. There is or has been a residence on the subject property. ^{ever} At any time the applicant may ~~remodel or rebuild~~ remodel, rebuild, or enlarge that one residence provided that all other zoning code requirements are met; or
 - c. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

115.85 Lighting Regulation

- 1. Efficient Light Sources - The applicant shall utilize energy efficient light sources.

- 3) **Applicable Procedures** - All appeals and determinations of this Chapter will be reviewed and decided upon using Process IIA described in Chapter 150 of this Code.

115.110 Radiation

Ionizing radiation is defined and regulated by the State of Washington pursuant to RCW 70.98. Any complaint, inquiry, or violation regarding ionizing radiation within the City of Kirkland will be referred to the Department of Social and Health Services.

115.115 Required Yards

1. General - This Section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 65 of this Code.
2. Exceptions and Limitations in Some Zones - Chapters 15 through 65 contain specific regulations regarding what may be in or take place in required yards. Where applicable, those specific regulations supersede the provisions of this section.
3. Structures and Improvements - No improvement or structure may be in a required yard except as follows:
 - a. A driveway and/or parking area subject to the standards of sections 115.115.5.a and 115.115.5.b.
 - b. Any improvement or structure, other than a driveway and/or parking area, that is not more than 4 inches above finished grade may be anywhere in a required setback yard. *A*
 - c. An improvement or structure, that is not more than 18 inches above finished grade may extend not more than 5 feet into a required yard.
 - d. Chimneys, bay windows, greenhouse windows, eaves, awnings, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required yard. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed 25% of the length of the facade of the structure. See Plate 10.
 - e. Fences and railings may be located in required yards subject to the fence regulations contained within this Chapter.
 - f. Rockeries and retaining walls may be located in required yards if--
 - 1) The rockery or retaining wall is not being used as a direct structural support for a major improvement; and
 - 2) The rockery or retaining wall is reasonably necessary to provide support to a cut or slope.
 - g. Improvements associated with shoreline public use and access areas may be located in any required yard. The landward end of a pier may be located in the High Water Line Yard.

A bridge is allowed anywhere in a required setback yard regardless of its height above finished grade.

- h. See paragraph 5 of this Section for regulations on parking areas.
- i. Those structures and improvements permitted in required yards by Section 115.105 of this chapter.
- j. Signs may be located in required yards subject to Sections 115.135 and 100.75 of this Code.
- k. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight feet wide and ten feet tall and may not be enclosed along the sides.
- l. In low density residential zones, the applicant may request a modification to locate a storage shed in a required yard, except a required front yard. The Planning Official may approve a modification if--
 - 1) The proposed structure is no more than eight feet tall; and
 - 2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed ten feet. The structure shall not exceed 120 square feet in total area; and
 - 3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and
 - 4) The modification will not create a significant negative impact on the character of nearby residential properties.

If approved, the Planning Official may require the storage shed to be screened by a solid fence or dense vegetation.

The decision of the Planning Official in approving or denying a modification for a storage shed may be appealed using the appeal provision, as applicable, of Process I, Sections 145.60 through 145.110.

- 4. Outdoor Uses, Activities and Storage - For regulations on outdoor uses, activities and storage, see Section 115.105.
- 5. Driveways and Parking Areas - Vehicles may not be parked in required yards except as follows:
 - a. Detached Dwelling Units
 - 1. General - Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall not be closer than 5 feet to any side property line in any required front and/or rear yard (see Plate 14).
 - 2. Exception - Driveways and/or parking areas may exceed 20 feet in width if:

For the purpose of this Section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads.

- g. One-way Streets and Streets with Median Barriers - The provisions of this Section are written to apply to streets with two-way traffic and without a median barrier. The Public Works Director may modify the requirement of this Section to fulfill the purpose of these regulations for intersections including a one-way street or a street with a median barrier.
- h. Intersections Not Specifically Regulated - The Public Works Director shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than 2 streets and for other intersections that are not specifically regulated in Paragraph 2.a. through 2.f. of this Section.

3. Permissible Intrusion in the Area to be Kept Clear of Sight Obstruction

- a. General - Except as stated in paragraph 3.b. of this Section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other thing may be within the area to be kept clear of sight obstructions between 3 feet and 8 feet above the elevations of the pavement edge of each intersecting street, driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.
- b. Exceptions - The following are permitted to be within the area that must be clear of sight obstructions:
- 1) Any structure erected before the effective date of the Code.
 - 2) Natural topography of the ground. However, the Public Works Director may require land surface modification to fulfill the intent of this Section as part of any development activity on the subject property.
 - 3) Any number of tree trunks and sign or utility poles if the Public Works Director determines that adequate visual access is available between these tree trunks or poles.

115.140 Temporary Trailers For Construction and Real Estate Sales Offices

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a Certificate of Zoning Compliance for the building or use.

115.145 Trees, Certain Species Prohibited

The following types of trees may not be planted closer than the listed minimum planting distance to streets or sewers:

In addition, during construction of a commercial building, temporary trailers may also be used for any commercial uses which will be housed in the buildings being constructed, subject to the following conditions:

- a. The site must have an active building permit at all times that the trailer is used;
- b. When the building permit is initially granted, a maximum time period for using the trailer will be established. The time period will reflect the expected duration of construction, assuming a normal and constant construction schedule. Other conditions may also be established on a case-by-case basis as necessary to mitigate impacts;
- c. Sufficient temporary parking shall be provided, based on the gross floor area of the trailer.

<u>Trees</u>	<u>Minimum Planting Distance</u>
1. Ailanthus Altissima (Tree of Heaven)	25'
2. Catalpa	25'
3. Cottonwood	40'
4. Juglans Nigra (Black Walnut)	25'
5. Platanus (Plane Swamora)	40'

including bumpers and any other elements that are required by federal or state law for the operation of the vehicle on public roads.

9. Ulmus (Elm)	40'
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Any person violating this provision is responsible for any damage caused by the tree or trees.

115.150

Vehicles - Size in Residential Zones Limited

1. General - Except as specified below, it is a violation of this Code to park or store any vehicle on any lot in a residential zone if that vehicle is both more than 9 feet in height and 22 feet in length
2. Exceptions
 - a. A vehicle of any size may be parked on any lot in the City for not more than 48 hours for the exclusive purpose of loading or unloading the vehicle.
 - b. The City may, using Process IIA, described in Chapter 150 of this Code, approve a request to park or store a vehicle of any size on a lot in a residential zone if—
 - 1) The parking or storage of the vehicle will not be detrimental to the character of the neighborhood; and
 - 2) The property abutting the subject property will not be impacted by the parking or storage; and
 - 3) The placement of the vehicle will not create a potential fire hazard; and
 - 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, and impose other restrictions to eliminate adverse impacts of the parking or storage.

115.155

Water Quality Regulations

1. General - This Section establishes the following water quality standards based on the how the water leaves the subject property:
 - a. Paragraph 2 establishes water quality standards for water that flows directly from the subject property into a stream or into a lake.

PUBLICATION SUMMARY
OF ORDINANCE NO. 3693

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO ZONING, PLANNING, AND LAND USE, AMENDING CHAPTER 115 OF THE KIRKLAND ZONING CODE, AND DELETING "PUBLIC TRANSIT SHELTER" FROM ALL USE ZONE CHARTS (FILE NO. IV-95-3)

SECTION 1. Amends specific portions of the text of the Kirkland Zoning Code as follows:

Adds public transit shelter rules as a new Section 115.142; corrects erroneous references for appeals and notice in Section 115.60.2.a.2) and 115.60.2.c; revises Section 115.90.2.b to clarify when an easement is included in lot coverage calculations; revises Section 115.105.2.d.2)5) to clarify buffering requirement for auto display areas; clarifies exceptions to sight distance requirements in Section 115.135.3.b; revises Section 115.80.2.b to codify Interpretations 95-2 and 83-24 regarding legal building sites; codifies Interpretation 93-1 by adding bridges to required yard exceptions in Section 115.115.b; codifies Interpretation 83-12 by defining the vehicles which may be parked on driveways in front required yards; codifies Interpretation 87-10 by clarifying when certain uses can occupy temporary trailers on construction sites; codifies Interpretation 88-16 by clarifying mode of measuring oversized vehicles parked in residential zones.

SECTION 2. Deletes "Public Transit Shelter" from all use zone charts.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.


SECTION 5. 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 6. 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 15th day of June, 1999

I certify that the foregoing is a summary of Ordinance 3693 approved by the Kirkland City Council for summary publication.


City Clerk