

ORDINANCE NO. 3811

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING CHAPTER 50 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) TO AMEND REGULATIONS REGARDING THE CBD-1 HEIGHT, CBD-5 RESIDENTIAL LOCATION AND CBD-1, 2, 3, 7 AND 8 STREET LEVEL RETAIL.

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 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated October 25, 2001 and bearing Kirkland Department of Planning and Community Development File No. IV-01-1; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2001, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act there has accompanied the legislative proposal and recommendation a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600(4); 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, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning Code text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:


As set forth in Exhibit 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. 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.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 11th day of December, 2001.

SIGNED IN AUTHENTICATION thereof this 11th day of December, 2001.




Mayor

Attest:



City Clerk

Approved as to Form:

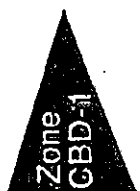


City Attorney

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide. The charts in KZC 50.12 contain the basic zoning regulations that apply in the CBD 1 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.10



Section 50.10 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. Buildings exceeding two stories must demonstrate compliance with the design regulations of KZC 50.65 and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Design Review (D.R.).

Exhibit A

00158

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USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.12	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0	0	0	100%	2-4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units.
.070	Office Use									D	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	
.080	Stacked or Attached Dwelling Units									A	1.7 per unit. See KZC 50.60.	
.090	School, Day-care Center or Mini-School or Day-care Center	B	See KZC 50.60 and 105.25.									

2-5 stories above each abutting right-of-way

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

Section 50.12	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)							
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure						
				Front	Side	Rear												
.100	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	0	0	0	100%	2 to 4 stories above each abutting right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of the building only if there is an intervening retail store front between this use and the abutting right-of-way. 						
.110	Public Utility, Government Facility, or Community Facility														D See Special Reg. 1.	B	See KZC 50.60 and 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.120	Public Park				Will be determined on a case-by-case basis.													

09100

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

Section 50.37	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care Center, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. 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. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Assisted Living Facility See Spec. Reg. 4.	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 3.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue. 4. This use only allowed on properties with frontage on Second Avenue.
.110	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D See Special Reg. 1.	A	1.7 per unit.	<ol style="list-style-type: none"> 1. Landscape Category C is required if the subject property to adjacent to 6th Street or Kirkland Avenue. 2. This use only allowed on properties with frontage on Second Avenue.
.120	Public Utility, Government Facility, or Community Facility									B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. 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 nearby uses. 2. Site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.
.130	Public Park			Will be determined on a case-by-case basis.				3 to 5 stories above average building elevation.	--			<ol style="list-style-type: none"> 1. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.

a. On properties with frontage on Second Avenue
 b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property

19100

0-3811

code 182

Retail Store Front

Replace the following Special Regulations with revised text identified below:

- 50.12.060-.080, Special Regulation #1
- 50.12.100, Special Regulation #3
- 50.17.060, Special Regulation #4
- 50.17.070-.080, Special Regulation #3
- 50.17.090, Special Regulation #2
- 50.27.050, Special Regulation #3
- 50.27.060, Special Regulation #5
- 50.27.070, Special Regulation #1
- 50.27.110, Special Regulation #3
- 50.47.070-.080, Special Regulation #3
- 50.47.090, Special Regulation #4
- 50.47.110, Special Regulation #3
- 50.47.120, Special Regulation #1
- 50.52.060, Special Regulation #3
- 50.27.070, Special Regulation #6

Revised Text:

This use may be located on the street level floor of a building only if there is an ~~intervening retail store front~~ retail space extending a minimum of 30' of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.

PUBLICATION SUMMARY
OF ORDINANCE NO. 3811

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SECTION 1. Amends text in Chapter 50, the Center Business Districts 1, 2, 3, 7 and 8 of the Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. 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.

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 11th day of December, 2001.

I certify that the foregoing is a summary of Ordinance 3811
approved by the Kirkland City Council for summary publication.



City Clerk