

ORDINANCE NO. 3858

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE; REVISING REGULATIONS FOR THE STORAGE OF FIREWOOD IN REQUIRED YARDS (FILE NO. IV-01-52).

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 July 29, 2002 and bearing Kirkland Department of Planning and Community Development File No. IV-01-52; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 27, 2002, 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, the City Council of the City of Kirkland do ordain as follows:

Section 1. 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:

115.105.1 Residential Uses

Uses and activities normally associated with a residential use are allowed unless Chapters 15 through 65 KZC limit outside activity for a residential use in a particular zone. The outdoor storage of firewood may be located within setback yards only if (1) it is stacked immediately adjacent to or within a supporting structure, (2) it is visually screened from adjoining properties by a building, solid screening fence, solid screening enclosure, dense evergreen landscaping, rockery or retaining wall, or comparable visual screen, and if (3) the height of the firewood stack does not exceed the greater of 6'

~~or that the height of either the supporting structure, fence or comparable visual screen.~~

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 as required by law.

Section 5. 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.

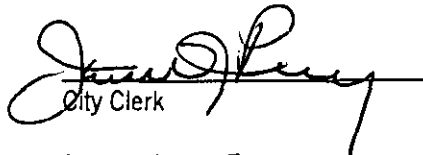
PASSED by majority vote of the Kirkland City Council in open meeting this 3rd day of September, 2002.

SIGNED IN AUTHENTICATION thereof this 3rd day of September, 2002.



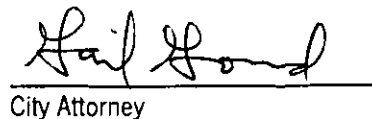
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney