

ORDINANCE NO. 3944

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE: CHAPTER 50 - CENTRAL BUSINESS DISTRICT ZONES, CHAPTER 52 - JUANITA BUSINESS DISTRICT ZONES, CHAPTER 95 - LANDSCAPING; CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS (FILE NO. ZON04-00004).

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 (Title 23 of the Kirkland Municipal Code), and bearing Kirkland Department of Planning and Community Development File No. ZON04-00004; 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 the recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on March 25, 2004, 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 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 No. 3719 as amended, the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) 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.

ATTACHMENT A

Title 23 KMC – Kirkland Zoning Code Amendments**Chapter 50 – Central Business District Zones**

- 50.12.020 See Attachment 1 - Revises CBD-1 Use Zone Chart to allow drive-through facilities for banks subject to special regulations.
- 50.17 See Attachment 2 - Revises CBD-2 landscaping requirements for the following uses:
- .010 A Retail Establishment, other than those specifically listed, limited, or prohibited in this Zone, selling goods or providing services, including banking and related financial services
 - .020 Entertainment, Cultural and/or Recreational Facility
 - .030 Hotel or Motel
 - .040 Restaurant or Tavern
 - .070 Private Club or Lodge
 - .080 Office Use
 - .130 Public Utility
 - .140 Government Facility
 - .150 Community Facility
- 50.27 See Attachment 3 - Revises CBD-3 lot coverage provisions from 80% to 100% when the use provides a 0' front yard at the street level. Affects the following uses:
- .010 Entertainment, Cultural, and/or Recreational Facility
 - .020 Hotel or Motel
 - .030 Restaurant or Tavern
 - .040 Any Retail Establishment, other than those specifically listed, limited, or prohibited in this Zone, selling goods or providing services including banking and related financial services
- 50.32 See Attachment 4 – Revises CBD-4 to correct parking requirements for Entertainment, Cultural and Recreational uses.
- 50.37 See Attachment 4 – Revises CBD-5 to correct parking requirements for Entertainment, Cultural and Recreational uses.
- 50.47 See Attachment 5 - Revises CBD-7 lot coverage provisions from 80% to 100% when the use provides a 0' front yard at the street level. Affects the following uses:
- .020 Restaurant or Tavern

- .030 Fast Food Restaurant
- .040 Entertainment, Cultural and/or Recreational Facility
- .050 Hotel or Motel
- .060 Any Retail Establishment, other than those specifically listed, limited, or prohibited in this Zone, selling goods or providing services, including banking and related financial services

50.62 Building Height Provisions in the CBD

1. (no change)
2. To determine the allowed height of structure, determine the number of stories allowed in the use zone charts and apply the allowed height per story specified in subsection (1) of this section. For example, if three stories are allowed and the proposed use is ground floor retail with two stories of residential above, the allowed height would be 35 feet.

Buildings which are not constructed with the maximum allowable number of stories may increase the height of the stories actually constructed by an amount that does not result in a height greater than that which would have resulted from a building constructed with the maximum allowable number of stories. For the purpose of this height calculation, it shall be assumed that each unconstructed story would have been used for residential purposes if constructed, and therefore allows an additional (10) feet of height that can be added to the building. For example, if three stories are allowed, but only two stories are constructed, an additional (10) feet may be added to the building height.

3. (no change)
4. (no change)

Chapter 52 – Juanita Business District Zones

52.12.120 See Attachment 6 - Revises Special Regulation No. 6 for mixed-use developments to update terminology from “Comprehensive Design Plan” to “Master Sign Plan”.

52.15 General Regulations (JBD-2 Zone):

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

1. (no change)
2. (no change)
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south.
4. (no change)

52.17.090 See Attachment 7 - Revises Special Regulation No. 1 for Attached or Stacked Dwelling Unit in the JBD-2 Zone, clarifying that the requirement for ground-floor retail or office use only applies along 98th Avenue NE.

52.20 General Regulations (JBD-3 Zone):

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

1. (no change)
2. (no change)
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view corridor given development on adjacent properties to the north and south.
4. (no change)

52.25 General Regulations (JBD-4 Zone):

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

1. (no change)
2. (no change)
3. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Parks uses).
4. (no change)
5. (no change)

52.27 See Attachment 8 – Revised Special Regulations 1 and 2 for Public Parks in the JBD-4 zone to correct the current City review process for Park Master Plans.

52.30 General Regulations (JBD-5 Zone):

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

1. (no change)
2. (no change)
3. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or

98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties to the east and west (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).

4. (no change)
5. (no change)
6. (no change)

52.32.170 See Attachment 9 - Revises required review process for "Moorage Facility for One or Two Boats" from "Design Review" to "None".

Chapter 95 - Landscaping

95.10 See Attachment 10 - Revises landscape chart footnote to make 95.25 inapplicable when adjoining property is zoned JBD or NRHBD.

Chapter 105 – Parking and Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

105.15 Exception in the CBD, JBD, and NRHBD

If the subject property is within the Central Business District Zone, the Juanita Business District Zone, or the North Rose Hill Business District Zone, the requirements contained within Chapters 50, 52, 54, and 92 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Chapters 50, 52, 54, and 92 KZC apply to properties in their respective CBD, JBD, and NRHBD Zones.

Attachments:

1. KZC 50.12: CBD-1 – Drive-through facilities for banks/financial institutions
2. KZC 50.17: CBD-2 – Revisions to landscape requirements
3. KZC 50.27: CBD-3 – Lot coverage revisions
4. KZC 50.32 and 50.37: CBD-4 and CBD-5 – Parking requirement revisions
5. KZC 50.47: CBD-7 – Lot coverage revisions
6. KZC 52.12: JBD-1 – Changes "Comprehensive Design Plan" to "Master Sign Plan"
7. KZC 52.17: JBD-2 – Revisions to ground floor retail or office requirements
8. KZC 52.27: JBD-4 – Revisions to Park Master Plan process
9. KZC 52.32: JBD-5 – "Moorage Facility for One or Two Boats" review process revisions
10. KZC 95.15: Landscape buffer applicability

Section 50.12

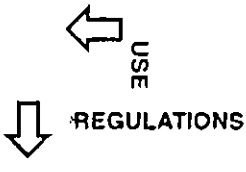
USE ZONE CHART



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Section 50.12



DIRECTIONS: FIRST, read down to find use... THEN, across for 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						
.010	Restaurant or Tavern	None	0	0	0	2 to 4 stories above each abutting right-of-way.	D	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sale, repair, service or rental. c. Drive-in facilities and drive-through facilities. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.020	Any Retail Establishment, other than those specifically listed, limited or prohibited in this Zone, selling goods or providing services, excluding banking and related financial services.									
.030	Hotel or Motel					2 to 5 stories above each abutting right-of-way.			One for each room. See Special Regulation 3 and KZC 50.60.	
.040	Entertainment, Cultural and/or Recreational Facility					2 to 4 stories above each abutting right-of-way.			See KZC 50.60 and 105.25.	
.050	Fast Food Restaurant								One per each 100 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-in facilities and drive-through facilities are not permitted in this zone.

.025 Banking and related financial services.

1. Drive-through facilities are permitted as an accessory use if:
 - a. The drive-through facility existed prior to January 1, 2004 OR the drive-through facility will replace a drive-through facility which existed on January 1, 2004 and which the drive-through facility:
 - i. Was demolished to allow redevelopment of the site on which the primary use was located; and
 - ii. Will serve the same business served by the replaced facility, even if that business moves to a new location; and
 - iii. Does not result in a net increase in the number of drive-through lanes serving the primary use; and
 - b. The Public Works Department determines that vehicle stacking will not impede pedestrian or vehicular movement within the right-of-way, and that the facility will not impede vehicle or pedestrian visibility as vehicles enter the sidewalk zone; and
 - c. The vehicular access lanes will not be located between the street and the buildings and the configuration of the facility and lanes is generally perpendicular to the street; and
 - d. Any replacement drive-through facility is reviewed and approved pursuant to Ch. 142 KZC for compliance with the following criteria:
 - i. The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access.
 - ii. Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb cuts.



USE ZONE CHART

Attachment 2

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

Section 50.17	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						
.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D See Special Reg. 5.	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle or boat sales, repair, service or rental. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 5. Landscape Category B is required if the subject property is adjacent to WDI zone.
.020	Entertainment, Cultural and/or Recreational Facility									See KZC 50.60 and 105.25.		
.030	Hotel or Motel									One for each room. See Special Regulation 4 and KZC 50.60.		
.040	Restaurant or Tavern									One per each 125 sq. ft. of gross floor area. See KZC 50.60.		

* (delete)

Section 50.17

Zone
CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS!												
Section 50.17	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						
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D See Spec. Reg. 5.	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 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. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet 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. Veterinary offices are not permitted in this zone. Landscape Category C is required if the subject property is adjacent to WDI zone.
.080	Office Use									D	One per 350 sq. ft. of gross floor area. See KZC 50.60.	

* (delete)



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

	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				
		Front	Side	Rear					
Section 50.17									
<p style="text-align: center;">USE REGULATIONS</p> <p style="text-align: center;">↑</p>	.130 Public Utility				None	D	B	See KZC 50.60 and 105.25	<p style="text-align: center;">Special Regulations (See also General Regulations)</p> <p>1. The design and facilities of the park should emphasize its waterfront location.</p>
	.140 Government Facility	D.R., Chapter 142 KZC.	0	0	0	See Spec. Reg. 115			
	.150 Community Facility								
.160 Public Park		Will be determined on a case-by-case basis.			100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the property on each right-of-way.			



USE ZONE CHART

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

Section 50.27	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						
.010	Entertainment, Cultural, and/or Recreational Facility	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0	0	80%	3 stories above average building elevation.	D See Special Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 3. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard. 	
.020	Hotel or Motel										One for each room. See Spec. Reg. 2.		
.030	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area.		

If this use provides a 0' front yard, the lot coverage for the entire property shall be 100%.

Section 50.27

Zone
CBD-3

USE ZONE CHART

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

Section 50.27	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						
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this Zone, selling goods or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 5.	0	0	80%	3 stories above average building elevation.	D See Special Reg. 4.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Vehicle or boat sales, repair, service, or rental. Fast food restaurants. Drive-in facilities and drive-through facilities. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard. ←
.050	Private Lodge or Club See Special Reg. 3.			20' See Spec. Reg. 4.					D See Special Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet 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. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

If this use provides a 0' front yard, the lot coverage for the entire property shall be 100%.



USE ZONE CHART

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

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Section 50.32	USE REGULATIONS	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	0	0	0	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> No aspect or component of this use, including open dining areas, may be oriented towards Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.020	Entertainment, Cultural or Recreational Facility								D See Spec. Reg. 4.		One for each room. See Spec. Reg. 3.	<ol style="list-style-type: none"> No aspect or component of this use, including hotel/motel rooms and open dining areas, may be oriented toward Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.030	Hotel or Motel										One for each room. See Spec. Reg. 3.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Vehicle and/or boat sales, repair, service, or rental. Drive-in facilities and drive-through facilities. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services.										One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.050	Private Lodge or Club								D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category C is required if subject property is adjacent to Planned Area 6C.



USE ZONE CHART

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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						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	E	One per each 125 sq. ft. of gross floor area.	1. Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.020	Fast Food Restaurant								D See Spec. Reg. 3.		One per each 100 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Access for drive-through facilities must be approved by the Public Works Department. 3. Landscape Category A is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.030	Entertainment, Cultural and/or Cultural Recreational Facility								D See Spec. Reg. 2.		One per each room. See Special Reg. 1.	1. The parking requirements for hotel or motel use do not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 2. Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.040	Hotel or Motel										One per each room. See Ch. 105.	
.050	Any Retail Establishment Other than those Specifically Listed, Limited, or Prohibited in the Zone, Selling Goods, or Providing Services Including Banking and Related Financial Services								D See Spec. Reg. 4.		One per each 350 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle or boat sale, repair, service, or rental. 2. Access for drive-through facilities must be approved by the Public Works Department. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. Landscape Category B is required if subject property is adjacent to 6th Street or Kirkland Avenue.

See KZC 50.60 and 105.25.

One per each room. See Ch. 105.



USE ZONE CHART

Attachment 5

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

Section 50.47	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							
.010	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	20'	15'	15'	80%	3 stories above average building elevation.	B See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> May not be more than two vehicle service stations at any intersection. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity, and Storage, for further regulations. Landscape Category A is required if the subject property is adjacent to Planned Area 7B. 	
.020	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	0	0	80% See Spec. Reg. 2.	3 stories above average building elevation.	D See Spec. Reg. 1.	E	1 per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. 	
.030	Fast Food Restaurant			20'	0	0	80% See Spec. Reg. 4.				D See Spec. Reg. 3.	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Must provide one outdoor waste receptacle for every eight parking stalls. Access for drive-through facilities must be approved by the Public Works Department. Landscape Category A is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard.
.040	Entertainment, Cultural and/or Recreational Facility			20'	0	0	80% See Spec. Reg. 3.				D See Spec. Reg. 2.	See KZC 105.25.	<ol style="list-style-type: none"> The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if the subject property is adjacent to Planned Area 7B.
.050	Hotel or Motel										One for each room. See Spec. Reg. 1.	<ol style="list-style-type: none"> The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. 	

If this use provides a 0' front yard, the lot coverage for the entire property shall be 100%.

Section 50.47

Zone
CBD-7

USE ZONE CHART

0-3944

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.47	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	Any Retail Establishment, other than those listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 stories above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Access for drive-through facilities must be approved by the Public Works Department. Ancillary assembly and manufacture of goods on premises may be permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Vehicle and boat sale, repair, service, and rental are not permitted in this zone. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard.
.070	Private Lodge or Club See Special Regulation 3.			20'	0	0	80%		D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> No parking is required for daycare or school ancillary to the use. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. This use may be located on the street level floor of a building only if there is a recessed space extending a minimum of 30 feet 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.
.080	Church See Special Regulation 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

If this use provides a 0' front yard, the lot coverage for the entire property shall be 100%.

Section 52.12

Zone
JBD-1

USE ZONE CHART

9 fremyette

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

Section 52.12	USE REGULATIONS	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)					
				Front	Side	Rear			
120	Development containing two or more of the following uses: - Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants - Office Uses - Stacked or Attached Dwelling Units (continued)								<p>Special Regulations (See also General Regulations)</p> <p>6. Any development approved under this provision must include a comprehensive design master sign plan for all signs on the subject property.</p> <p>7. If the development contains restaurant, tavern, fast food restaurant, or retail use, then sign category E applies. Otherwise, sign category D applies.</p> <p>8. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval.</p> <p>9. Restaurants, taverns, fast food restaurants, and retail establishments selling goods and services should be the predominate use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development.</p> <p>10. The subject property must contain landscaped public open space in conjunction with a pedestrian path or series of pedestrian paths that link the East Ridge to the subject property and the subject property to Juanita Beach Park.</p> <p>11. The subject property must have access points from at least two public rights-of-way.</p> <p>12. Buildings exceeding 35 feet above average building elevation shall be permitted only if design techniques are used to minimize perceived building mass and achieve superior architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the design requirements of KZC 92.30(2) and (3), and will normally include terracing of upper floors and modulation of front facades.</p> <p>13. The applicant shall comply with the Special and General Regulations established in this Chapter for the uses that are proposed to be included on the subject property unless the City determines that they conflict with regulations applicable to this use listing.</p> <p>14. The City may approve the proposed development only if it contains public amenities such as plazas, sculptures, fountains, water fountains, and pocket parks.</p> <p>15. Buildings exceeding 30 feet above average building elevation shall demonstrate compliance with the design regulations of Chapter 92 KZC and the provisions of the Juanita Business District Chapter of the Comprehensive Plan. The City will use Process II.A, Chapter 152 KZC, to determine compliance.</p>



USE ZONE CHART

Attachment

0-3944

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

Section 52.17	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						
.080	Office Use	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	D	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. 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 development permit application. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use; and The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.090	Attached or Stacked Dwelling Unit See Special Regulation 1.								A	1.7 per unit.	1. For properties abutting 98 th Avenue NE, this use may be located on the street level floor of a building only if there is an intervening retail storefront or office between this use and the abutting 98 th Avenue NE right-of-way. 2. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.100	Church								B	1 per every four people based on maximum occupancy load of any area of worship. See Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.	
.110	Hotel or Motel								E	1 per each room. See Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for these ancillary uses shall be determined on a case-by-case basis.	
.120	Private Lodge or Club								B	1 per each 300 sq. ft. of gross floor area.		

Section 52.27



USE ZONE CHART

Attachment 8

0-3944

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

Section 52.27	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						
.160	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			-	B	See KZC 105.25.	<p>Development and use of a park does not require a development permit under this Code if:</p> <ol style="list-style-type: none"> A Master Plan for that park has been approved by the City and the proposed development and use is consistent with the Master Plan; or The proposed use and development will not involve: <ol style="list-style-type: none"> Lighting for outdoor nighttime activities; and The construction of any building of more than 4,000 square feet; and The construction of more than 20 parking stalls; and The development of any structured sports or activity areas. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process IIB, Chapter 152 KZC. The City will use the following factors in determining what facilities and uses will be permitted: <ol style="list-style-type: none"> Ease of access to the park. Character of the neighborhood. Size, nature, and topography of the subject property. Public access piers or boardwalks, moorage structures and facilities, bulkheads, breakwaters, dredging, and filling are allowed only if they meet the requirements of the Shoreline Master Program. 		

Use SPECIAL REGULATIONS →

1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:

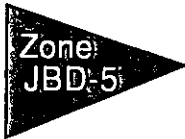
- One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice.
- The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:
 - A description of the proposal;
 - An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;
 - An analysis of the consistency of the proposal with applicable developmental regulations, if any;
 - A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;
 - A summary and evaluation of issues raised and comments received on the proposed Master Plan; and
 - A recommended action by the City Council.
- City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:
 - It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - It is consistent with the public health, safety, and welfare.

In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:

- Location, dimensions, and uses of all active and passive recreation areas;
- Potential users and hours of use;
- Lighting, including location, hours of illumination, lighting intensity, and height of light standards;
- Landscaping;
- Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.

2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:

- Lighting for outdoor nighttime activities;
- The construction of any building of more than 4,000 square feet;
- The construction of more than 20 parking stalls;
- The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climb toys, slides, single basketball hoops, and similar equipment.





USE ZONE CHART

b. Attachment

0-3944

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

Section 52.32	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						
.170	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC. <i>None</i>	None	Landward of the high waterline 0' 0' 0'	80%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 9.	See KZC 105.25.	<ol style="list-style-type: none"> No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. Moorage structures may not extend waterward beyond a point 150 ft. from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. May not treat structures with creosote, oil base, or toxic substances. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from off the subject property. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. Covered moorage is not permitted. Aircraft moorage is nor permitted. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard. See KZC 52.35 for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property. This development may also be regulated under the City's Shoreline Master Program; consult that document. May not use land waterward of the high waterline to determine lot size or to calculate allowable density. 		

LANDSCAPING CATEGORY 	ADJOINING PROPERTY 	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A	Must comply with KZC 95.15, 95.20 and 95.25(1) (Buffering Standard 1)	Must comply with KZC 95.15, 95.20 and 95.25(1) (Buffering Standard 1)	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
B	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
C	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
D	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
E	Must comply with KZC 95.15				
Footnotes: * If the adjoining property is zoned Central Business District, <u>Juanita Business District</u> , or <u>North Rose Hill Business District</u> , KZC 95.25 does not apply.					

95.15 Significant Trees

1. General – The applicant shall retain significant trees on the subject property to the maximum extent possible.
2. Minor Site Plan Changes Required by the City – The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve the maximum retention of significant trees. The City may not require an alteration which will result in a significant added expenditure to the applicant or in a decrease in the number of units or bulk of structures permitted.
3. Replacement If Significant Trees Removed – If all or substantially all of the significant trees on the subject property are brought down, the City may require the applicant to plant trees on the subject property. The maximum number of trees that the City may require the applicant to plant is equal to the number of significant trees that are brought down. The trees that are planted must be at least three to five inches in diameter as measured one foot above grade.

Attachment 10

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.

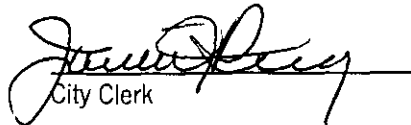
Section 4. A complete copy of this ordinance, including Findings, Conclusions, and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 18th day of May, 2004.

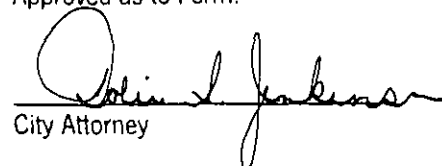
SIGNED IN AUTHENTICATION thereof this 18th day of May, 2004.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

ORDINANCE NO. 3944
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE: CHAPTER 50 - CENTRAL BUSINESS DISTRICT ZONES, CHAPTER 52 - JUANITA BUSINESS DISTRICT ZONES, CHAPTER 95 - LANDSCAPING; CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS (FILE NO. ZON04-00004).

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

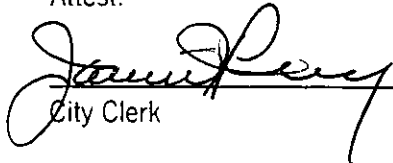
Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary.

Section 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the 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 18th day of May, 2004.

I certify that the foregoing is a summary of Ordinance 3944 approved by the Kirkland City Council for summary publication.

Attest:


City Clerk