

ORDINANCE NO. 3945

Repealed by 3950

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING, LAND USE, AND SHORELINES, AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF TITLE 24 (ENVIRONMENTAL PROCEDURES) OF THE KIRKLAND MUNICIPAL CODE: CHAPTER 24.05 – SHORELINE MASTER PROGRAM (FILE NO. ZON04-00004).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the Kirkland Shoreline Master Program (Chapter 24.05 of Title 24 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 and WAC 173-26-100, on March 25th, 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 Kirkland Shoreline Master Program (Chapter 24.05 of Title 24 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.

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, or upon the date of a letter to the City of Kirkland from the Washington State Department of Ecology, or of a rule of the Department,

ATTACHMENT A

Title 24 KMC – Environmental Procedures Amendments**Chapter 24.05 KMC - Shoreline Master Program**

24.05.110 See Attachment 1 - Adds a use listing of "Hotel" to the Urban Mixed Use 1 Shoreline Environment.

24.05.150 Use regulations—Attached and stacked dwelling units.

- (a) General (no change)
- (b) Permitted Use (no change)
- (c) Lot Size.
 - (1) (no change)
 - (2) Minimum lot size for properties in the Urban Mixed Use 1 Shoreline Environment lying waterward of 98th Avenue NE or Juanita Drive is seven thousand two hundred square feet of lot area landward of the high waterline, with at least one thousand eight hundred square feet of lot area landward of the high waterline per dwelling unit. There is no minimum lot size for properties lying waterward of Central Way, Lake Street, or Lake Street South.
 - (3) (no change)
 - (4) (no change)
 - (5) (no change)
- (d) Required Yards (no change)
- (e) Minimum View Corridor Required. For properties lying waterward of Lake Washington Boulevard, Lake Street South (except properties in the Urban Mixed Use 1 Shoreline Environment), 98th Avenue NE, or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.
- (f) Height (no change)

24.05.155 Use regulations—Restaurants.

- (a) General (no change)
- (b) Permitted Use (no change)
- (c) Lot Size (no change)
- (d) Required Yards (no change)
- (e) Minimum View Corridor Required. For properties lying waterward of Lake Washington Boulevard, Lake Street South (except properties in the Urban Mixed Use 1 Shoreline Environment), 98th Avenue NE or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor,

structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

(f) Height (no change)

24.05.160 Use regulations—Retail and office use.

- (a) General (no change)
- (b) Permitted Use (no change)
- (c) Lot Size (no change)
- (d) Required Yards (no change)
- (e) Minimum View Corridor Required. For properties lying waterward of Lake Washington Boulevard, Lake Street South (except properties in the Urban Mixed Use 1 Shoreline Environment), 98th Avenue;NE or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.
- (f) Height (no change)

Attachments:

1. KMC 25.04.110: Adds "Hotel" use listing to Urban Mixed Use 1 Shoreline Environment

CHART 24.05.110

Category	1	2	3	4	5	6	7	8
Detached Residential	SDP*	SDP*	SDP*	SDP*	SDP*	SDP*	SDP*	SDP*
Attached	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Single or Attached Residential	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Restaurant or Tavern	SDP	SDP	NP	NP	SDP	SDP	SDP	SDP
Retail	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Office	SDP	SDP	NP	NP	SDP	SDP	SDP	SDP
Industrial	SDP	SDP	NP	NP	SDP	SDP	SDP	SDP
Warehouses and Structures	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Public Facilities	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Public Parks	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Utilities	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Government Facilities	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Roads, etc.	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Buildings and Similar Structures	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Breakwaters	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Dredging	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Filling	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Public Access	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Boardwalks	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Land Surface Modification	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP

SDP: Substantial Development Permit
 SCUP: Shoreline Conditional Use Permit
 NP: Not Permitted
 NP: May be permitted as an accessory to public parks if approved through a S.C.U.P.
 NP: This use is exempt from Substantial Development Permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-14-040(g), as amended.

NOTE: Hydraulic permits may also be required from the State Department of Fisheries and Wildlife for development or activities located waterward of the ordinary high water mark.

** Subject to the same use regulations as Retail or Office use in this shoreline environment
 *** May be permitted subject to KMC 24.05.205


Attachment 1

approving the Shoreline Master Program amendments adopted by this ordinance, whichever occurs last in time.

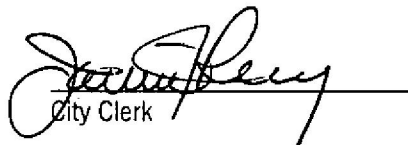
Section 4. A complete copy of this ordinance, including Findings, Conclusions, and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

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

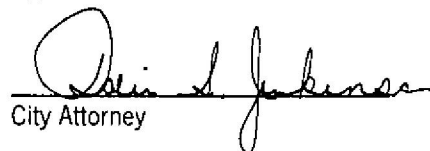
SIGNED IN AUTHENTICATION thereof this 18th day of May, 2004.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

ORDINANCE NO. 3945
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING, LAND USE, AND SHORELINES, AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF TITLE 24 (ENVIRONMENTAL PROCEDURES) OF THE KIRKLAND MUNICIPAL CODE: CHAPTER 24.05 - SHORELINE MASTER PROGRAM (FILE NO. ZON04-00004).

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code, and Chapter 24.05, the Shoreline Master Program.

Section 2. Addresses severability.

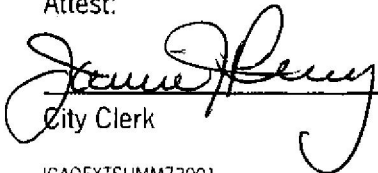
Section 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary, or upon the date of a letter to the City of Kirkland from the Washington State Department of Ecology, or of a rule of the Department, approving the Shoreline Master Program amendments adopted by this ordinance, whichever occurs last in time.

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 3945 approved by the Kirkland City Council for summary publication.

Attest:



City Clerk

ICAOEXTSUMM73001