

ORDINANCE O-4881

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 51, 52, AND 117, AND APPROVING A SUMMARY FOR PUBLICATION; FILE NO. CAM24-00348 AND CAM22-00845.

1           WHEREAS, the City Council received a recommendation from  
2 the Kirkland Planning Commission to amend certain sections of the  
3 Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the  
4 staff report dated August 22, 2024, containing the recommendation of  
5 the Planning Commission and bearing Kirkland Planning and Building  
6 Department File No. CAM24-00348 and CAM22-00845; and

7  
8           WHEREAS, prior to making the recommendation, the Planning  
9 Commission, following notice thereof as required by RCW 35A.63.070,  
10 held a public hearing on August 8, 2024, on the amendment proposals  
11 and received two public comments at that hearing; and

12  
13           WHEREAS, pursuant to the State Environmental Policy Act  
14 (SEPA), there has been a SEPA Addendum to the 2015 Comprehensive  
15 Plan Update & Totem Lake Planned Action Ordinance Final  
16 Environmental Impact Statement issued by the responsible official  
17 pursuant to WAC 197-11-625; and

18  
19           WHEREAS, in a public meeting on September 3, 2024, the City  
20 Council considered the SEPA determination made by the City's SEPA  
21 Responsible Official and the Planning Commission recommendation.

22  
23           NOW, THEREFORE, the City Council of the City of Kirkland do  
24 ordain as follows:

25  
26           Section 1. The following specified sections of the Kirkland  
27 Zoning Code are amended as set forth in Exhibit A to this ordinance and  
28 incorporated by reference.

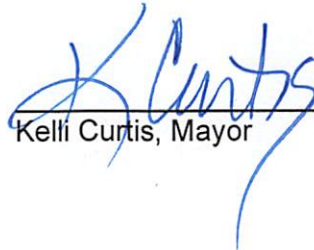
- 29  
30           Section 51.08  
31           Section 52.42  
32           Section 117.40  
33           Section 117.65  
34           Section 117.90

35  
36           Section 2. If any provision of this ordinance or its application to  
37 any person or circumstance is held invalid, the remainder of the  
38 ordinance or the application of the provision to other persons or  
39 circumstances is not affected.  
40

41           Section 3. This ordinance shall be in force and effect five days  
42 from and after its passage by the Kirkland City Council and summary  
43 publication, as required by law.

44  
45           Passed by majority vote of the Kirkland City Council in open  
46 meeting this 3<sup>rd</sup> day of September, 2024.

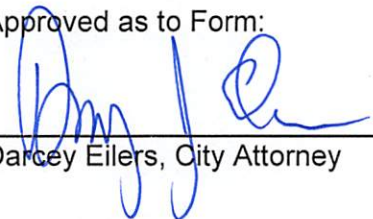
47  
48           Signed in authentication thereof this 3<sup>rd</sup> day of September, 2024.

  
\_\_\_\_\_  
Kelli Curtis, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Darcey Eilers, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4881

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 51, 52, AND 117, AND APPROVING A SUMMARY FOR PUBLICATION; FILE NO. CAM24-00348 AND CAM22-00845.

1            SECTION 1. Provides amendments to the Kirkland Zoning  
2 Code.

3  
4            SECTION 2. Provides a severability clause for the ordinance.

5  
6            SECTION 3. Authorizes publication of the ordinance by  
7 summary, which summary is approved by the City Council pursuant to  
8 Section 1.08.017 Kirkland Municipal Code and establishes the effective  
9 date as five days after publication of summary.

10  
11            The full text of this Ordinance will be mailed without charge to  
12 any person upon request made to the City Clerk for the City of Kirkland.  
13 The Ordinance was passed by the Kirkland City Council at its meeting  
14 on the 3<sup>rd</sup> day of September, 2024.

15  
16            I certify that the foregoing is a summary of Ordinance O-4881  
17 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

## **MISCELLANEOUS CODE AMENDMENTS – FILE NO., CAM24-00348 AND CAM22-00845**

For the following code subsections, proposed text changes are indicated by underlining for added text, and ~~striketrough for removed text~~. Any subsections of the KMC or KZC not shown are not proposed to be amended.

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### Chapter 51 – MARKET STREET CORRIDOR (MSC) ZONES

#### Zone MSC-1, 4

#### Section 51.08 – 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. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
  3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.,
  4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
  5. The Giant Sequoia on the corner of 17th Avenue West and Market Street shall be retained. Prior to issuance of a development permit the Planning Official may require site plan adjustments that exceed the modifications otherwise authorized by KZC 95.32 in order to protect the Giant Sequoia.
  6. ~~Development on parcels fronting the south side of 17th Avenue West shall be limited to detached or duplex development.~~
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## CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES

### Zone JBD-6

#### Section 52.42 – USE ZONE CHART (table)

##### 52.42.010 – Special regulations for restaurant or tavern use

- ~~1. This use is not allowed east of NE 120th Place.~~
- ~~2. 1.~~ Gross floor area for this use may not exceed 10,000 square feet.
- ~~3. 2.~~ Drive-in or drive-through facilities are prohibited.

##### 52.42.030 – Special regulations for entertainment, cultural and/or recreational facility use

- ~~1. This use is not allowed east of NE 120th Place.~~
- ~~2. 1.~~ Gross floor area for this use may not exceed 10,000 square feet.

##### 52.42.040 – Special regulations for any retail establishment uses other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services

- ~~1. This use is not allowed east of NE 120th Place.~~
- ~~2. 1.~~ The following uses are not permitted in this zone:
  - a. Retail establishments providing storage services unless accessory to another permitted use.
  - b. Automobile or boat sales and/or rental facilities.
  - c. Automobile service station or center.
  - d. Boat service or repair.
  - e. Outdoor storage of bulk commodities, except in the following circumstances:
    - i. 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or
    - ii. 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.
  - f. f. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.
- ~~3. 2.~~ Gross floor area for this use may not exceed 10,000 square feet.
- ~~4. 3.~~ Drive-through facilities are prohibited.
- ~~5. 4.~~ 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 are 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.

##### 52.42.080 – Special regulations for private lodge or club use

- ~~1. This use is not allowed east of NE 120th Place.~~
- ~~2. 1. Gross floor area for this use may not exceed 10,000 square feet.~~

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## Chapter 117 – WIRELESS SERVICE FACILITIES

### 117.40 Macro Facility Permit Procedures

#### 5. Macro Facility Permit Conditions

~~g. A macro facility permit issued under this chapter shall be substantially implemented within 12 months from the date of final approval or the permit shall expire. The permittee may request up to four 12-month extensions, if the permittee cannot construct the macro facility within the original 12-month period.~~

~~hg.~~ The permittee shall maintain the macro facilities in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

~~ih.~~ All macro facilities shall meet current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate macro facilities. If such standards and regulations are changed, the owners of the macro facilities shall bring such facility into compliance with such changes in accordance with the compliance deadlines and requirements of such changes. Failure to bring macro facilities into compliance shall constitute grounds for permit revocation in accordance with KZC 117.30(7).

### 117.65 Small Wireless Facility Permit Procedures

#### 4. Permit Conditions

~~f. Permit Time Limit. Construction of the small wireless facility shall be completed within 12 months after the approval date by the City. The permittee may request up to four 12-month extensions.~~

~~gf.~~ Site Safety and Maintenance. The permittee shall maintain the small wireless facilities in safe and working condition. The permittee shall be responsible for the immediate removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

~~hg.~~ Operational Activity. The grantee shall commence operation of the small wireless facility no later than 12 months after installation and may request two extensions for additional six-month periods if grantee can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.

~~ih.~~ Modifications. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the

equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

jj. Exceptions to Modifications. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight, and height; provided, that such replacement does not defeat the concealment elements, designated as stealth techniques, used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. If the small wireless facility is located in the right-of-way, a right-of-way permit may be required for such routine maintenance, repair or replacement consistent with KMC Title 26.

#### 117.90 Lapse of Approval

1. A WSF permit issued under this chapter shall expire in three years from the date of issuance. An existing WSF permit may be renewed one time, provided the permit has not been expired for more than one year.

a. For development activity or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

2. For all WSF permit decisions issued for applications that were complete on or before the effective date of the ordinance codified in this chapter, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within five years after the final approval on the matter or the decision becomes void.