

ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain portions of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code), all as set forth in that certain report and recommendation of the Planning Commission dated November 20, 2008, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00016; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held public hearings on April 24, 2008, June 12, 2008, and October 23, 2008 on the amendment proposals and considered the comments received at said hearings; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a Planned Action Environmental Impact Statement. The draft of which was issued on April 4, 2008 and the final of which was issued on October 16, 2008 by the responsible official pursuant to WAC 197-11-400 through 197-11 560; 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; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning Text amended: The following specified sections of the text of the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended as follows:

- A. Table of Contents:
Add CBD5A to Chapter 50: Central Business District (CBD) Zones as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 1. User Guide:
Add CBD5A to Section 1.05: How To Use This Code as set forth in **Exhibit B** attached to this ordinance and incorporated by reference.
- C. Chapter 5. Definitions:
Add CBD5A to Section 5.960: Use Zone as set forth in **Exhibit C** attached to this ordinance and incorporated by reference.

- D. Chapter 50. Central Business District (CBD) Zones:
Add new use zone chart CBD5A as set forth in **Exhibit D** attached to this ordinance and incorporated by reference.
- E. Chapter 142. Design Review:
Text amendments to Sections 142.35 as set forth in **Exhibit E** attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in **Exhibit F**, which by this reference is incorporated herein.

Section 3. 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 4. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, 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 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 16th day of December, 2008.

SIGNED IN AUTHENTICATION THEREOF this 16th day of December, 2008.



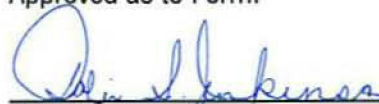
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

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[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

[Zoning Code Interpretations](#)

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[Chapter 5](#) – Definitions

[Chapter 10](#) – Legal Effect/Applicability

[Chapter 15](#) – Single-Family Residential (RS) Zones

[Chapter 17](#) – Single-Family Residential Annexation (RSX) Zones

[Chapter 20](#) – Multifamily Residential (RM) Zones

[Chapter 25](#) – Professional Office Residential (PR) Zones

[Chapter 27](#) – Professional Office (PO) Zones

[Chapter 30](#) – Waterfront District (WD) Zones

[WDI Zone](#)

[WDII Zone](#)

[WDIII Zone](#)

[Chapter 35](#) – Freeway Commercial (FC) Zones

[FCIII Zone](#)

[Chapter 40](#) – Neighborhood Business (BN) Zones

[Chapter 45](#) – Community Business (BC) Zones

[Chapter 47](#) – Community Business Annexation (BCX) Zones

[Chapter 48](#) – Light Industrial Technology (LIT) Zones

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[Chapter 50](#) – Central Business District (CBD) Zones

[CBD-1](#)

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[CBD-3](#)

[CBD-4](#)

[CBD-5](#)

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[CBD-6](#)

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[50.60](#) Special Parking Provisions in the CBD 1, 2, and 8 Zones

[50.62](#) Building Height Provisions in the CBD

[Chapter 51](#) – Market Street Corridor (MSC) Zones

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[Chapter 52](#) – Juanita Business District (JBD) Zones

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[Chapter 53](#) – Rose Hill Business District (RHBD) Zones

1.05 How To Use This Code

This code has been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that piece of property. Follow the step-by-step procedure laid out below to find applicable regulations.

1. Find the subject property on the Zoning Map. The subject property will be within one of the following use zones sequentially listed:

Add **CBD 5A** to following chart.

RS	CBD 3	RH 2C	TL 1B	TL 10C
RSX	CBD 4	RH 3	TL 2	TL 10D
RM	CBD 5	RH 4	TL 3A	TL 10E
PR	CBD 6	RH 5A	TL 3B	TL 11
PO	CBD 7	RH 5B	TL 3C	PLA 1
WD I	CBD 8	RH 5C	TL 3D	PLA 2
WD II	JBD 1	RH 7	TL 4A	PLA 3
WD III	JBD 2	RH 8	TL 4B	PLA 5
FC III	JBD 3	NRH1A	TL 4C	PLA 6
BN	JBD 4	NRH1B	TL 5	PLA 7
BC	JBD 5	NRH2	TL 6A	PLA 9
BCX	JBD 6	NRH3	TL 6B	PLA 14
LIT	RH 1A	NRH4	TL 7	PLA 15
P	RH 1B	NRH5	TL 8	PLA 16
CBD 1	RH 2A	NRH6	TL 10A	PLA 17
CBD 2	RH 2B	TL 1A	TL 10B	PLA 17A

2. Refer to the text of this code and find the chapter that corresponds to the use zone in which the subject property is located.
3. Each of these use zone chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, certain uses are listed specifically (e.g., “Retail variety or department store” in Neighborhood Business Zones). In other zones, uses are listed generally (e.g., “Any retail establishment ... selling goods or providing services...” in Community Business Zones). In many cases, the general listing encompasses what could otherwise be numerous separate uses.

Uses and activities that fall under the definition of “adult entertainment use or activity” are not permitted except as allowed in Chapter [72](#) KZC.

Chapter 5 – DEFINITIONS

Sections:

[5.05](#) User Guide

[5.10](#) Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

*****Definitions numbered .005 through .945.5 will not change and so are not shown.***

.955 Use – The nature of the activities taking place on private property or within structures thereon. Each separate listing under the “Use” column in the Chapters [15](#) through 60 KZC is a separate use.

.960 Use Zone – The zoning designations on the Zoning Map as follows:

Add CBD-5A to the chart below.

RS 35	LIT	RH 5B	TL 10E
RSX 35		RH 5C	TL 11
RS 12.5	P	RH 7	
RSX 12.5		RH 8	PLA 1
RS 8.5	CBD 1		PLA 2
RSX 8.5	CBD 2	NRH 1A	PLA 3A
RS 7.2	CBD 3	NRH 1B	PLA 3B
RS 6.3	CBD 4	NRH 2	PLA 5A
RS 5.0	CBD 5	NRH 3	PLA 5B
RSX 5.0	CBD 6	NRH 4	PLA 5C
	CBD 7	NRH 5	PLA 5D
RM 5.0	CBD 8	NRH 6	PLA 5E
RM 3.6			PLA 6A
RM 2.4	MSC 1	TL 1A	PLA 6B
RM 1.8	MSC 2	TL 1B	PLA 6C
	MSC 3	TL 2	PLA 6D
WD I	MSC 4		PLA 6E
WD II		TL 3A	PLA 6F
WD III	JBD 1	TL 3B	PLA 6G
	JBD 2	TL 3C	PLA 6H
PR 8.5	JBD 3	TL 3D	PLA 6I

PR 5.0	JBD 4	TL 4A	PLA 6J
PR 3.6	JBD 5	TL 4B	PLA 6K
PR 2.4	JBD 6	TL 4C	PLA 7A
PR 1.8		TL 5	PLA 7B
	RH 1A	TL 6A	PLA 7C
PO	RH 1B	TL 6B	PLA 9
	RH 2A	TL 7	PLA 15A
FC III	RH 2B	TL 8	PLA 15B
	RH 2C	TL 10A	PLA 16
BN	RH 3	TL 10B	PLA 17
BC	RH 4	TL 10C	PLA 17A
BCX	RH 5A	TL 10D	

- .965 Vehicle Service Station – A commercial use supplying petroleum products that are for immediate use in a vehicle.
- .970 Vehicle Storage Area – An outside area which is used for the storage of operational vehicles.
- .973 Vehicular Access Easement or Tract – A privately owned right-of-way, but not including a driveway easement.
- .974 View Corridor – An open area that provides an unobstructed view across the subject property to and beyond Lake Washington from the adjacent right-of-way.
- .975 Wall Sign – A sign attached to and extending not more than 18 inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.
- .980 Waterward – Toward the body of water.
- .985 Wetland – As defined in Chapter [90](#) KZC.
- .990 Wholesale Trade – A commercial establishment which sells to retail establishments.
- .995 Zones – Use zones.
- .1000 Zoning Map – The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

CBD 5A USE ZONE CHART

KZC 50.38.A User Guide. The charts in KZC 50.38.C contain the basic zoning regulations that apply in the CBD 5A 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 50.38.B - 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.

USE ZONE CHART**Section 50.38.C**

Use: Mixed Use Development containing office, retail and restaurant uses. See Special Regulations 1, 2, 3 and 4.

Required Review Process: DR, Chapter 142 KZC. See Special Regulation 1

Minimums:

Lot Size: None

Required Yards: see Plate X-1.

Maximums:

Lot Coverage: 100%.

Height of Structures: See Special Regulation 5 and Plate X-2A and X2-B.

Landscape Category: None

Sign Category: E. See Special Regulation 6.

Required Parking: See Special Regulation 7.

Special Regulations:

1. Development under this Use shall be pursuant to the Parkplace Master Plan and Design Guidelines contained in Kirkland Municipal Code 3.30. Compliance with the Master Plan and Design Guidelines shall be determined through DR, Chapter 142.
2. The gross floor area of retail and restaurant uses in this zone shall be equal to or greater than 25% of the gross floor area of office uses in this zone. Retail uses may include accessory short term drop-off children's play facilities.
3. The following additional uses are allowed subject to restrictions listed:
 - a. Hotel; or Athletic Club. Accessory retail or restaurant uses shall be included as retail uses under Special Regulation 2 provided they are open to the public.
 - b. Movie theater. This use may be included as a retail use under Special Regulation 2 provided that the gross floor area of this use shall not count toward more than 10% of the required minimum gross floor area of retail and restaurant uses.
 - c. Private Lodge or Club; Church; School, Day-care Center, or Mini-School or Day-care Center; Public Utility, Government Facility, or Community Facility; Public Park.
 - d. Assisted Living Facility (including a nursing home if part of the facility); Stacked or Attached Dwelling Units; provided that the gross floor area of these uses does not exceed 10% of the total gross floor area for the Master Plan.
4. The following uses are prohibited:
 - a. Any retail establishment exceeding 70,000 square feet.
 - b. At grade drive-through facilities.
 - c. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers.
5. Rooftop appurtenances may exceed the applicable height limitation by a maximum of 16 feet if the area of all appurtenances and screening does not exceed 25 percent of the total area of the building rooftop. All other regulations for rooftop appurtenances in Chapter 115 shall apply.
6. Prior to installation of permanent signs, the development must submit and receive approval of a Master Sign Plan pursuant to Chapter 100.
7. The following establishes the number of parking spaces required:
 - a. Residential uses must provide 1.7 parking spaces for each dwelling unit and one parking space for each assisted living unit.
 - b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area
 - c. All other uses must provide one parking space for each 350 square feet of gross floor area.

A mix of uses with different peak parking times makes a project eligible for applying a shared parking methodology to parking calculations. Further parking reductions may be appropriate through a transportation management plan (TMP) and parking management measures. The development may propose and the Planning Official may permit a reduction in the required number of parking spaces based on a demand and utilization study prepared by a licensed transportation engineer. The study shall include an analysis of shared parking demonstrating that the proposed parking supply is adequate to meet the peak parking demand of all uses operating at the same time. A TMP and parking management measures shall be incorporated into the analysis. An analysis of the effectiveness of the TMP and parking management measures shall be provided for City review. The City's transportation engineer shall approve the scope and methodology of the study as well as the effectiveness of the TMP and parking management measures.

Plate X-1
CBD 5A Required Yards

Exhibit D
O-4171

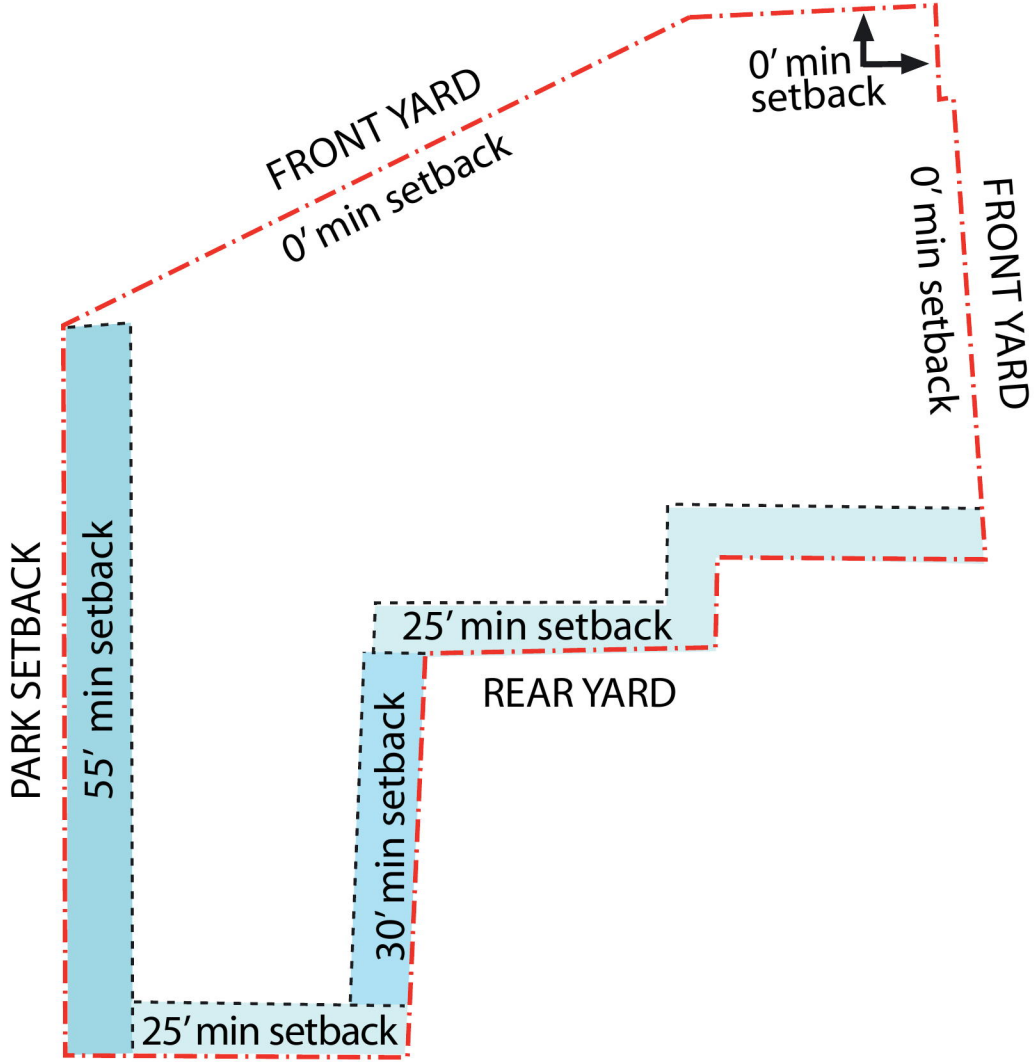
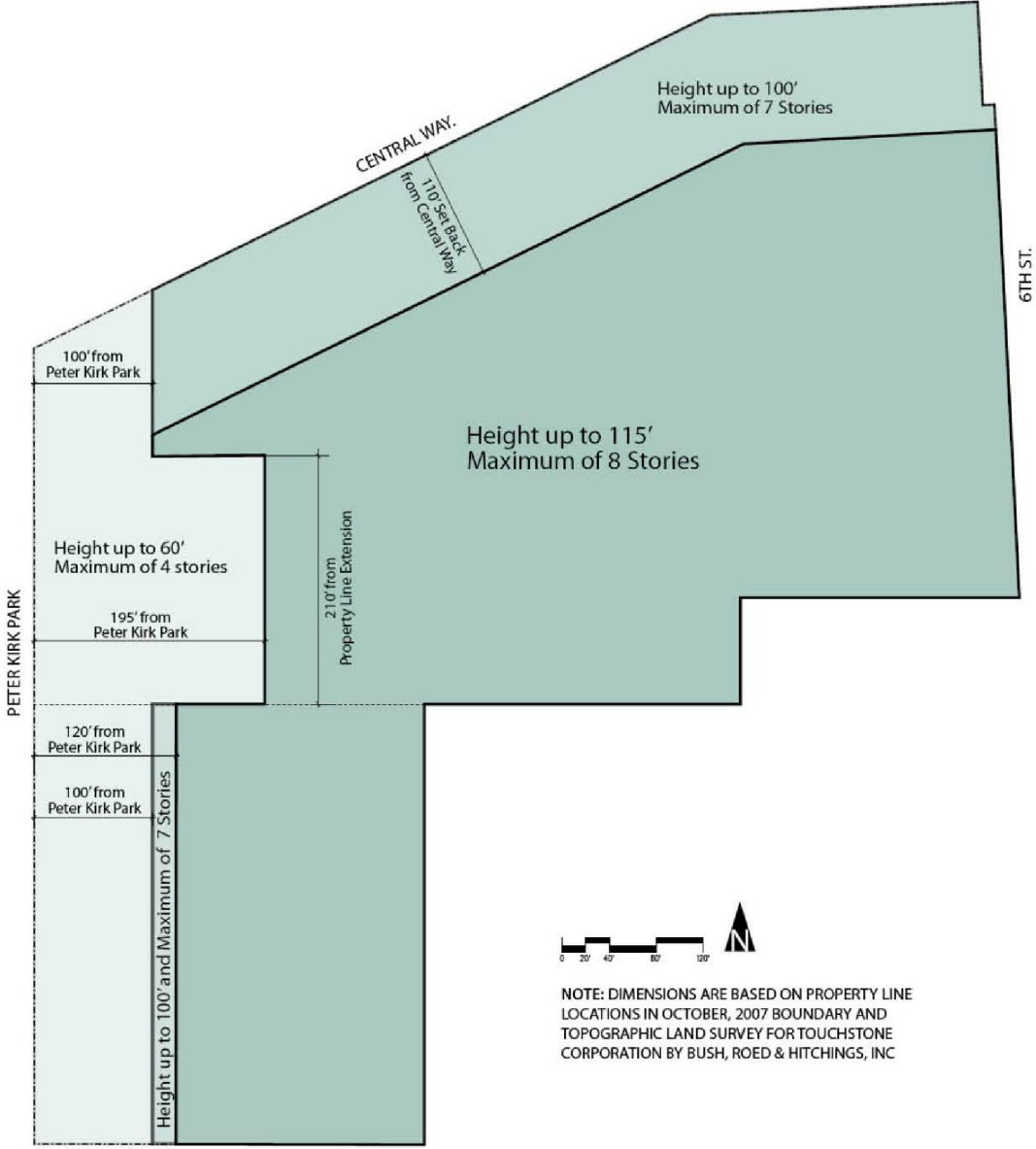


Plate X-2A CBD 5A Maximum Building Heights

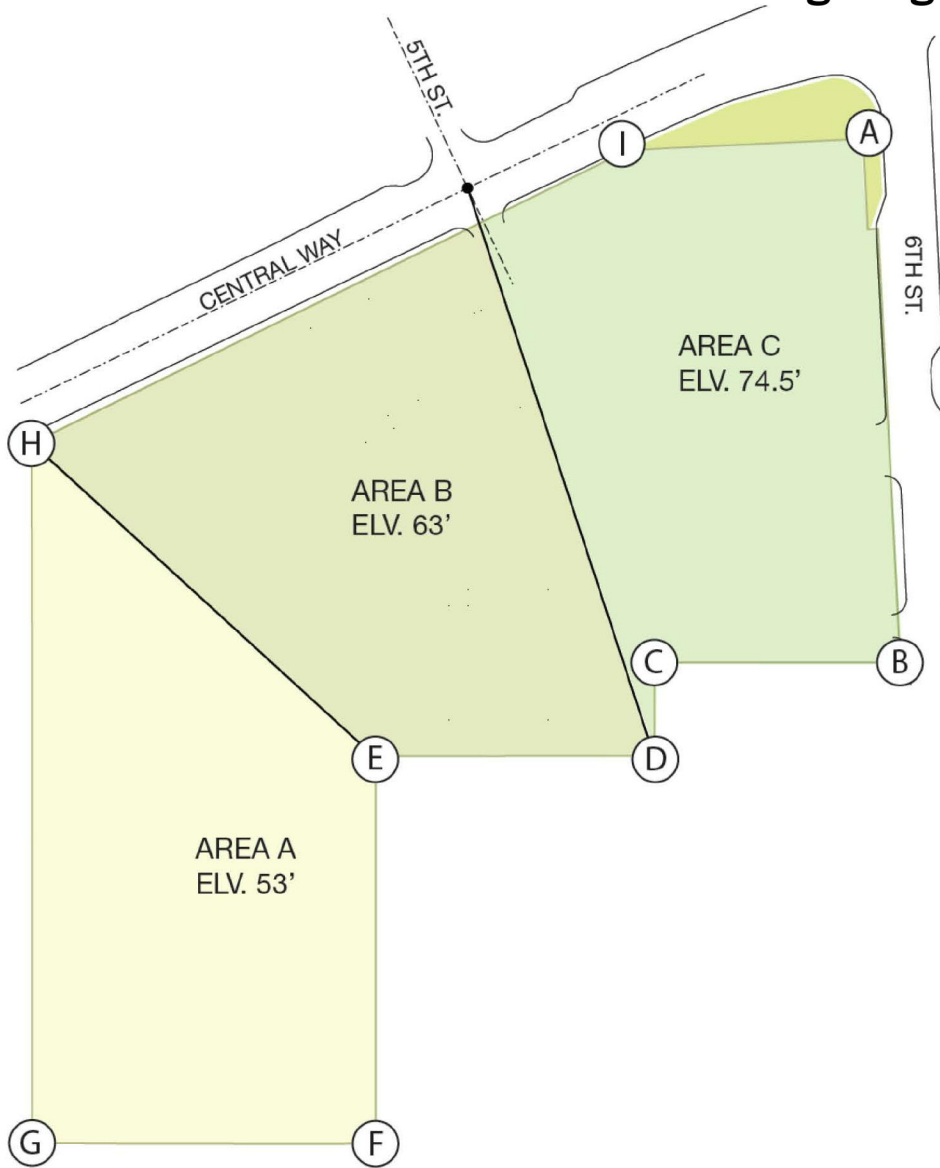
Building height and story maximums shall be measured from elevations points established by Plate X-2B



NOTE: DIMENSIONS ARE BASED ON PROPERTY LINE LOCATIONS IN OCTOBER, 2007 BOUNDARY AND TOPOGRAPHIC LAND SURVEY FOR TOUCHSTONE CORPORATION BY BUSH, ROED & HITCHINGS, INC

Plate X-2B

CBD 5A Maximum Building Height and Stories Measurement Points



Building Height & Number of Stories: Measurement Points

GENERAL NOTES:

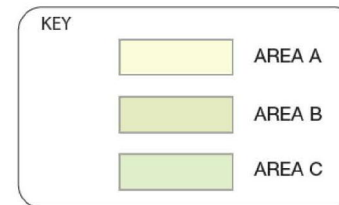
1. Where a minimum of 75% of the Gross Floor Area of a building is located in area "A", the Building Measuring Point will be elevation 53.0 feet above sea level
2. Where a minimum of 75% of the Gross Floor Area of a building is located in area "B", the Building Measuring Point will be elevation 63.0 feet above sea level
3. Where a minimum of 75% of the Gross Floor Area of a building is located in area "C", the Building Measuring Point will be elevation 74.5 feet above sea level

Area A: That portion of property area that lies west and south of a line between Property Corner H and Property Corner E.

Area B: That portion of property area that lies east of a line between Property Corner H and Property Corner E and west of a line from the centerline of the intersection of 5th Street and Central Way and property corner D.

Area C: That portion of property area that lies east of a line from the centerline of the intersection of 5th Street and Central Way and property corner D and west of 6th Street

note: Based on the Boundary and Topographic Survey for Park Place Center by Bush, Roed & Hitchings, INC., dated October 2007



KZC 142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.
 - d. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.
 - e. [The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.](#)
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.25(6)(a) provided the variation complies with the criteria of KZC 142.25(6)(b).

PUBLICATION SUMMARY
OF ORDINANCE NO. 4171

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, TO IMPLEMENT THE NEW CBD5A ZONE, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00016.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code:

- A. Amends Table of Contents, Central Business District CBD Zones;
- B. Amends Chapter 1. User Guide Section 1.05;
- C. Amends Chapter 5. Definitions Section 5.960;
- D. Adds new zone to Chapter 50. Central Business District (CBD) Zones;
- E. Amends Chapter 142. Design Review Section 142.35

SECTION 2. Amends the Kirkland Zoning Map as set forth in Exhibit F.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of 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 meeting on the 16th day of December, 2008.

I certify that the foregoing is a summary of Ordinance 4171 approved by the Kirkland City Council for summary publication.



City Clerk