

ORDINANCE NO. 4174

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) CHAPTER 92. DESIGN REGULATIONS, AND A USE ZONE CHART IN CHAPTER 60 AND THE KIRKLAND ZONING MAP, ORDINANCE 3710 AS AMENDED, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO ZON07-00019.

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. ZON07-00019; 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 22, 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. Chapter 60. Planned Area 5 Zones:
Amendments to PLA 5C use zone chart as set forth in **Exhibit A** attached to this ordinance and incorporated by reference.
- B. Chapter 92. Design Regulations:

Section 92.05. Introduction, 1. General add PLA 5C as set forth in **Exhibit B** 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 set forth in **Exhibit C**, 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.



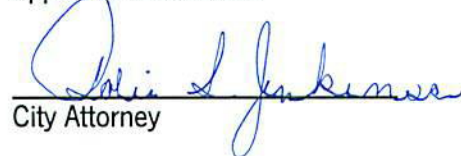
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

PLA5C USE ZONE CHART

The following is excerpted from the PLA5C zone of the Zoning Code to illustrate changes related to the Altom PAR. For the complete text of the PLA5C zone, review the online version of the Code from the City's webpage. Edited portions are indicated in shaded text.

KZC 60.39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including subzones. 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 60.40 - 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. If any portion of a structure is adjoining a low density use within PLA 5A, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any façade of that portion of the structure which is within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).
4. ~~The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Park uses).~~
5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
 - b. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to

the subject property is directly from that right-of-way. (Does not apply to Public Park uses).

USE ZONE CHART

Section 60.42.020

Use: Detached, Attached or Stacked Dwelling Units

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq. ft. per unit.

Required Yards: Front: 20'; Side: 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per unit.

Special Regulations:

Remain unchanged.

Section 60.42.030

Use: Office Use

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: None

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: If a Medical, Dental, or Veterinary office, then 1 per each 200 square feet of gross floor area. Otherwise, 1 per each 300 square feet of gross floor area.

Special Regulations:

Remain unchanged.

Section 60.42.040

Use: Development Containing Stacked or Attached Dwelling Units and Office Uses.

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft. with at least 1,800 sq.ft. per unit.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: C

Sign Category: D

Required Parking: See KZC 105.25.

Special Regulations:

Remain unchanged.

Section 60.42.070

Use: Mini-School or Mini-Day-Care

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq.ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.
- Otherwise, 30 feet above average building elevation.

Landscape Category: E

Sign Category: B

Required Parking: See KZC 105.25

Special Regulations:

Remain unchanged.

Section 60.42.080

Use: Assisted Living Facility

Required Review Process: If the development is south of 4th Avenue and within 180 feet east of 6th Street, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC; Otherwise, none.

Minimums:

Lot Size: 3,600 sq. ft.

Required Yards: Front: 20'; Side: 5', but 2 side yards must equal at least 15'; and Rear: 10'

Maximums:

Lot Coverage: 70%.

Height of Structures:

- If the development contains at least 1 acre, then the lower of 6 stories or 60 feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .8 acres, then the lower of 4 stories or 52' feet above average building elevation.
- If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least .4 acres, then the lower of 3 stories or 40 feet above average building elevation.

- Otherwise, 30 feet above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking: 1.7 per independent unit. 1 per assisted living unit.

Special Regulations:

Remain unchanged.

Chapter 92 – DESIGN REGULATIONS

92.05 Introduction

1. General
2. Applicability
3. Design Review Procedures
4. Relationship to Other Regulations
5. Dedication
6. Design Districts in Rose Hill Business District
7. Design Districts in the Totem Lake Neighborhood

92.10 Site Design, Building Placement and Pedestrian-Oriented Facades

1. Building Placement in JBD
2. Pedestrian-Oriented Facades Defined for RHBD and TLN
3. Building Placement In RHBD and TLN
4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLN
5. Multifamily Buildings Located in TLN
6. Building Location at Street Corners in the RHBD and TLN Zones
7. Building Location at Street Corners in CBD

92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property

1. All Zones – Pedestrian Oriented Space and Plazas in Parking Areas
2. Pedestrian-Oriented Space and Plazas in TC, CBD, NRHBD, RHBD and TLN Zones
3. Blank Wall Treatment
4. Parking Garages

92.30 Architectural and Human Scale

1. Techniques To Moderate Bulk and Mass in the CBD
2. Horizontal Definition in All Zones
3. Techniques To Moderate Bulk and Mass in the RHBD and TLN Zones
4. Techniques To Achieve Architectural Scale in All Zones
5. Techniques To Achieve Architectural Scale in the RHBD and the TLN Zones
6. Achieving Human Scale in All Zones

92.35 Building Material, Color and Detail

1. Required Elements
2. Prohibited Materials – All Zones
3. Metal Siding – All Zones
4. Concrete Block – All Zones
5. Awnings – All Zones
6. Covering of Existing Facades – All Zones
7. Building Cornerstone or Plaque – All Zones
8. Required On-Site Improvements – All Zones

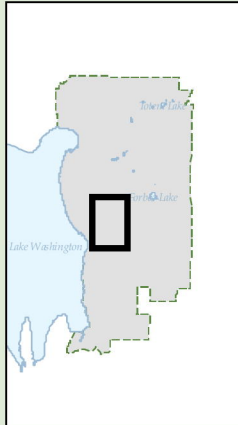
92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), **and in** Totem Center (TC), **and in areas indicated on the use zone charts for PLA 5C.**

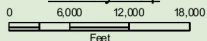
Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

Current Zoning

O-4174

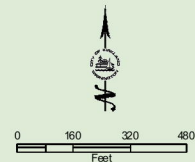


Vicinity Map

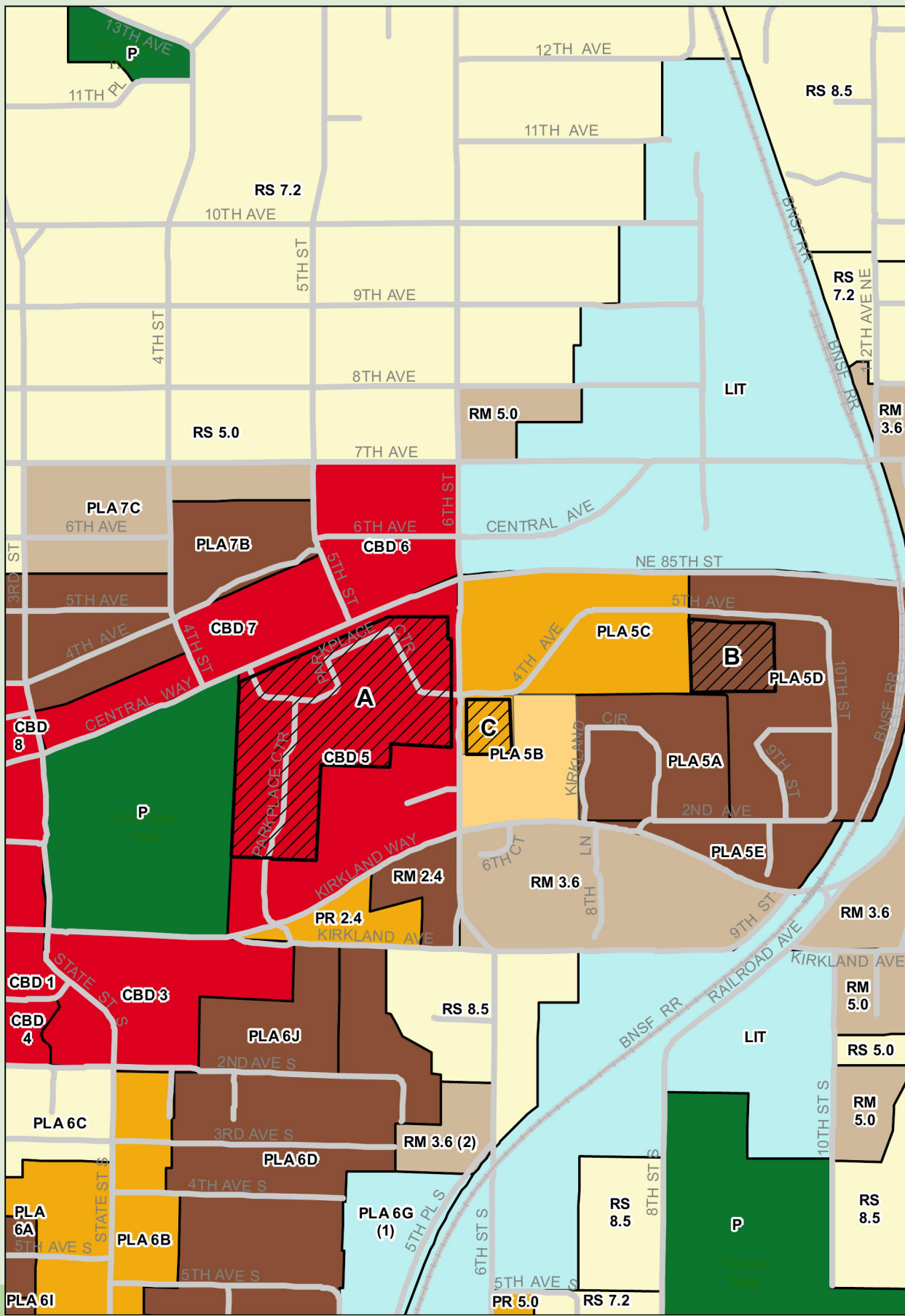


Map Legend

- Planned Action Areas
- Railroad Centerline
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space



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PUBLICATION SUMMARY
OF ORDINANCE NO. 4174

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

- A. Amends Chapter 60. Planned Area 5 Zones, use zone chart PLA 5C;
- B. Amends Chapter 92. Design Regulations, section 92.05. Introduction;

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

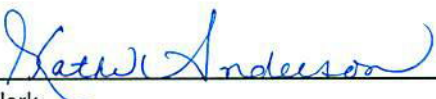
SECTION 3. Provides a severability clause for the ordinance.

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 4174 approved by the Kirkland City Council for summary publication.



City Clerk