



CITY OF KIRKLAND
Planning and Community Development Department
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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Kurt Triplett, City Manager

From: Jon Regala, Senior Planner
Joan Lieberman-Brill, AICP, Senior Planner
Eric Shields, AICP, Planning Director

Date: December 20, 2010

Subject: MISCELLANEOUS ZONING/MUNICIPAL CODE AMENDMENTS PHASE II
COUNCIL ACTION
FILE ZON10-00013

RECOMMENDATION

City Council adopt the attached Ordinance amending the Kirkland Zoning Code (KZC).

Prior to adoption staff recommends that the Council consider the following options regarding the allowance of retail uses above the ground floor in the RH 8 zoning district:

- Make no change to the existing prohibition of retail uses above the ground floor. This is the option included in the attached ordinance; or
- Amend the ordinance to allow limited personal services uses above the ground floor by adopting the revisions shown in Exhibit 1; or
- Amend the ordinance to eliminate the special regulation prohibiting retail uses above the ground floor by adopting the revisions shown in Exhibit 2; or
- Adopt the ordinance as is but remand this issue to the Planning Commission with direction for preparing an alternative amendment.

STUDY SESSION

The City Council held a study session on the proposed amendments on December 7, 2010. The amendments are selected from an on-going list of issues, code interpretations, requests from the public, requests from City Council, and needs identified by staff. The staff memo for the study session contains the Planning Commission's recommendation and the proposed changes. All of this information can be found online at this link:

http://www.ci.kirkland.wa.us/Assets/City+Council/Council+Packets/120710/3a_StudySession.pdf

The December 7th study session can also be viewed online at this link:

http://kirkland.granicus.com/MediaPlayer.php?view_id=13&clip_id=1963

At the study session, the Council's discussion focused primarily on amendments which generated the most public interest and discussion during the code amendment process:

- Fence height along arterials
- Public comment process for parking modification requests
- Clarifying that window signs are not regulated
- New multi-family parking standard in the CBD
- Retail uses above the ground floor in the RH 8 Zone

Concerning the RH 8 issue, the Planning Commission recommended no change to the existing prohibition of retail uses above the ground floor in the RH 8 zone. At the study session, the Council asked for options that would broaden the range of upper story uses. In response, staff suggests the following two options for Council consideration. Either option may be adopted to be included as part of the attached ordinance:

- The first option only allows limited personal service uses above the ground floor. This amendment was presented to the Planning Commission at its public hearing on November 4, 2010 (See Exhibit 1).
- The second option would allow a full range of retail uses above the ground floor by deleting the existing special regulation that prohibits such uses (see Exhibit 2).

EXHIBITS

1. RH 8 Amendment – allow personal service uses above ground floor
2. RH 8 Amendment – allow all retail uses above ground floor

Ordinance Amending Various KZC and KMC Sections
Publication Summary Ordinance

CC: Planning Commission
HCC
Kirkland Chamber of Commerce
File: ZON10-00013



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

Section 53.84	USE ↓ REGULATIONS ↑	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								
.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. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 2. This use may not be located above the ground floor of a structure. 3. Gross floor area for each individual use may not exceed 4,000 sq. ft. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.		
.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation.	A	A	1.7 per unit.	1. This use may 2. Chapter 115 k other accesso	re. pations and n this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. This use may 2. Chapter 115 k other accesso	re. pations and n this use.
.070	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is	use.

except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as, laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the ground floor; provided that the use of exterior areas adjoining residential uses is prohibited.



USE ZONE CHART

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

Section 53.84	USE ↓ REGULATIONS ↑	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)		
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EXHIBIT 1
ZON10-00013



USE ZONE CHART

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Section 53.84	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										Special Regulations (See also General Regulations)
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)		
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.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation.	A	A	1.7 per unit.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.

ORDINANCE NO. 4286

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 5 – DEFINITIONS, CHAPTER 10 – LEGAL EFFECT/APPLICABILITY, CHAPTER 15 – SINGLE-FAMILY RESIDENTIAL (RS) ZONES, CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES, CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM AND RMA) ZONES, CHAPTER 25 – PROFESSIONAL OFFICE RESIDENTIAL (PR) AND PROFESSIONAL OFFICE RESIDENTIAL A (PRA) ZONES, CHAPTER 27 – PROFESSIONAL OFFICE (PO) ZONES, CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES, CHAPTER 35 – FREEWAY COMMERCIAL (FC) ZONES, CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) ZONES AND NEIGHBORHOOD BUSINESS A (BNA) ZONES, CHAPTER 45 – COMMUNITY BUSINESS (BC, BC 1 AND BC 2) ZONES, CHAPTER 47 – COMMUNITY BUSINESS X (BCX) ZONES, CHAPTER 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES, CHAPTER 49 – PARK/PUBLIC USE (P) ZONES, CHAPTER 50 – CENTRAL BUSINESS DISTRICT (CBD) ZONES, CHAPTER 51 – MARKET STREET CORRIDOR (MSC) ZONES, CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES, CHAPTER 53 – ROSE HILL BUSINESS DISTRICT (RHBD) ZONES, CHAPTER 54 – NORTH ROSE HILL BUSINESS DISTRICT (NRHBD) ZONES, CHAPTER 55 – TOTEM LAKE (TL) ZONES, CHAPTER 60 – PLANNED AREAS (PLA), CHAPTER 100 – SIGNS, CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS, CHAPTER 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY, CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES, CHAPTER 120 – VARIANCES, CHAPTER 150 – PROCESS IIA, CHAPTER 155 – PROCESS III, CHAPTER 170 – CODE ENFORCEMENT, CHAPTER 180 – PLATES; AND AMENDING SECTIONS 22.32.050 AND 22.04.030 OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION , FILE NO. ZON10-00013.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 22, 2010 and bearing Kirkland Department of Planning and Community Development File No. ZON10-00013; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on November 4, 2010, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning and Municipal Code text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, and Kirkland Municipal Code is and they hereby are amended to read as follows:

As set forth in Attachment A (Zoning text changes) and B (Municipal Code text changes) attached to this ordinance and incorporated by reference.

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. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in force and effect on April 1, 2011 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.

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 ____ day of _____, 2011.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2011.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A
KIRKLAND ZONING CODE CHANGES
FILE NO. ZON10-00013
2010 MISCELLANEOUS CODE AMENDMENTS PHASE II
 * - Not subject to Houghton Community Council review

How to read this document:

- The first several amendments affect various code sections. The remaining amendments are listed in code section order.
- Italicized text reflects existing code language
- Italicized text that is covered by a strike-through (~~abc~~) is existing text currently contained in the Zoning Code that is to be deleted.
- Italicized text that is underlined (abc), with the exception of section headings, is new text that is to be added.

A. Various Code Sections - Clarify how horizontal façade is measured by using the defined term "maximum horizontal façade" as applicable.

If any portion of a structure is adjoining a low density zone, then either:

- a. *The height of that portion of the structure shall not exceed 15 feet above average building elevation, or*
- b. *The Maximum Horizontal Façade horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.*

Affected Kirkland Zoning Code (KZC) sections are:

KZC 20.08.3.b	KZC 55.65.2.b
KZC 25.08.3.b	KZC 55.73.2.b
KZC 27.08.2.b	KZC 55.97.3.b
KZC 30.25.050 Spec. Reg. 1.b	KZC 60.12.040 - .060 Spec. Reg. 2.b
KZC 35.27.2.b	KZC 60.12.070 Spec. Reg. 1.b
KZC 40.08.2.b	KZC 60.27.080 Spec. Reg. 1.b
KZC 45.08.2.b	KZC 60.87.130 Spec. Reg. 3.b
KZC 47.08.2.b	KZC 60.55.3.b
KZC 48.10.2.b	KZC 60.60.3.b
KZC 49.10.2.b	KZC 60.70.3.b
KZC 51.08.3.b	KZC 60.80.3.b
KZC 51.18.2.b	KZC 60.90.3.b
KZC 51.30.2.b	KZC 60.95.3.b
KZC 53.52.2.b	KZC 60.100.3.b
KZC 53.57.2.b	KZC 60.110.3.b
KZC 53.82.2.b	KZC 60.130.3.b
KZC 54.08.2.b	KZC 60.174.3.b
KZC 54.16.2.b	KZC 60.185.3.a.2.b
KZC 54.20.2.b	KZC 60.190.3.b

A similar change is shown below for code sections with slightly different language:

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 ~~Maximum Horizontal Façade horizontal length of any facade 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.*

The affected KZC sections are:

KZC 60.30.3.b	KZC 60.45.3.b
KZC 60.35.3.b	KZC 60.50.3.b
KZC 60.40.3.b	

B. Various Code Sections - Affordable Housing – Clarify Requirement for all housing types in Multi-Family and Commercial Zones & Revise Minimum Lot Size Provision

Developments creating four or more new ~~detached, attached or stacked~~ 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.

This change will be made to KZC General Regulation #2 of the following sections:

<u>Section</u>	<u>Zone</u>
20.08	RM 1.8, 2.4, 3.6, 5.0
25.08	PR 1.8, 2.4, 3.6, 5.0
30.10	WD I
30.30	WD III
60.15	PLA 2
60.20	PLA 3A
60.25	PLA 3B
60.30	PLA 5A
60.35	PLA 5B
60.40	PLA 5C
60.45	PLA 5D
60.50	PLA 5E
60.55	PLA 6A
60.60	PLA 6B
60.70	PLA 6D
60.80	PLA 6F
60.90	PLA 6H
60.95	PLA 6I
60.100	PLA 6J

60.105	PLA 6K
60.110	PLA 7A, 7B, 7C
60.130	PLA 9
60.170	PLA 15A
60.175	PLA 15B
60.185	PLA 17
60.190	PLA 17A
52.20	JBD 3
52.25	JBD 4
52.30	JBD 5
52.39	JBD 6
51.08	MSC 1, MSC 4
54.34	NRH 5
54.40	NRH 6
55.97	TL 11
53.22	RH 2C
53.42	RH 4

C. Various Code Sections - Make Outdoor Vehicle/Boat Sales, Service/Repair Buffer Standards Consistent between zones

BC, BC1, BC2 – KZC 45.10.020.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~KZC 95.45 Chapter 105-KZC~~. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.*

BCX – KZC 47.10.020.4: *Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

LIT – KZC 48.15.190.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC ~~95.40 through 95.45, landscaping regulations~~. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

JBD 1 – KZC 52.12.020.4: *Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.~~ also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations.*

JBD 1 - KZC 52.12.030.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations, in~~ KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for further additional regulations.*

JBD 2 – KZC 52.17.020.4: *Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.~~ also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations.*

JBD 2 – KZC 52.17.030.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations, in~~ KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for further additional regulations.*

JBD 4 – KZC 52.27.010.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations~~, in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~ additional regulations.*

JBD 5 – KZC 52.32.010.3: *Outdoor boat parking and storage areas must be buffered as required for a parking area ~~per design regulations~~, in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~ additional regulations.*

RH 1A – KZC 53.06.020.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee KZC ~~95.40 through 95.45~~. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,~~required landscaping, for further regulations.~~*

RH 2A, 2B, 2C – KZC 53.24.020.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee KZC ~~95.40 through 95.45~~. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,~~required landscaping, for further regulations.~~*

RH 3 – KZC 53.34.030.3: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee KZC ~~95.40 through 95.45~~. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,~~required landscaping, for further regulations.~~*

RH 5A, 5B – KZC 53.54.020.6: *Outdoor vehicle parking or storage must be buffered as required for a parking area inSee KZC ~~95.40 through 95.45~~. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.,~~required landscaping, for further regulations.~~*

NRH 1A – KZC 54.06.070.5: Storage of used parts and tires must be conducted entirely within an enclosed structure. *Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

NRH 1B – KZC 54.12.050.5: Storage of used parts and tires must be conducted entirely within an enclosed structure. *Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See ~~also~~ KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.*

NRH 4 – KZC 54.30.020.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 4A, 4B, 4C – KZC 55.33.030.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 5 – KZC 55.39.030: *2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for additional regulations.*

TL 6A, 6B – KZC 55.45.020.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 7 – KZC 55.51.180.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~further~~ additional regulations.*

TL 9A – KZC 55.61.180.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC ~~95.40 through~~ 95.45. See KZC 115.105, Outdoor Use Activity and Storage, for ~~additional~~, landscaping regulations.*

TL 10C – KZC 55.81.130.2: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~additional regulations.*

TL 10E – KZC 55.93.110: *Landscape Category EA*

KZC 55.93.110.1: *Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in ~~Chapter 105~~ KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for ~~further~~additional regulations.*

D. KZC 5.10 - Window Signs

Add a definition for a window sign:

KZC 5.10.992: *Window Sign – A sign located inside a window and visible from the exterior of a building.*

E. KZC 10.45 - Annexation vesting

These changes fixes what was unintentionally broad vesting language in paragraph 4 by being more specific about the Council's intent.

KZC 10.45 Annexed Property

3. *Short plats and subdivisions that have been approved by King County but not recorded prior to annexation shall be recorded within the time period provided for under King County subdivision regulations in effect at the time of the approval of the short plat or subdivision. Notwithstanding the foregoing, initial development of ~~the~~ dwelling units on individual lots in the short plat or subdivision shall be governed by the King County zoning regulations in effect at the time of annexation for a period of five years after the date of annexation unless the City finds that a change in conditions creates a serious threat to the public health or safety. After five years, the current zoning regulations shall apply.*
4. *Initial development of dwelling units on* ~~Individual~~ individual lots in short plats and subdivisions that have been approved and recorded by King County ~~and recorded~~ prior-subsequent to June 1, 2006 ~~annexation~~ shall be governed by the King County zoning regulations in effect at the time of annexation for a period of five years after the date of annexation unless the City finds that a change in conditions creates a serious threat to the public health or safety. After five years, the current zoning regulations shall apply.

F. KZC 15.10 - Change to RS Zoning in regards to Schools

15.10.030.2.c - May locate on the subject property only if:

- a. *It will not be materially detrimental to the character of the neighborhood in which it is located.*
- b. *Site and building design minimizes adverse impacts on surrounding residential neighborhoods.*
- c. *The property is served by a collector or arterial street (does not apply to existing school sites).*

G. KZC 18.10.030 - Change to RSA Zoning in regards to Schools

18.10.030.1.c - *May locate on the subject property only if:*

- a. *It will not be materially detrimental to the character of the neighborhood in which it is located; or*
- b. *Site and building design minimizes adverse impacts on surrounding residential neighborhoods.*
- c. *The property is served by a collector or arterial street (does not apply to existing school sites).*

H. KZC 18.10.080 - Electronic Readerboard Signs for Fire Stations in the Annexation Area *

Existing regulations for electronic readerboard signs for fire stations are being extended into the annexation area. The following language is being added to KZC Section 18.10.080(4) (RSA zone).

One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;*
- b. The electronic readerboard is no more than 50 percent of the sign area;*
- c. Moving graphics and text or video are not part of the sign;*
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;*
- e. The electronic readerboard displays messages regarding public service announcements or City events only;*
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;*
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;*
- h. It is located to have the least impact on surrounding residential properties.*

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

I. KZC 40.10.170 - Electronic Readerboard Signs for Fire Stations in the Annexation Area *

Existing regulations for electronic readerboard signs for fire stations are being extended into the annexation area. The following language is being added to KZC Section 40.10.170(2) (BNA zone).

One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:

a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;

b. The electronic readerboard is no more than 50 percent of the sign area;

c. Moving graphics and text or video are not part of the sign;

d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;

e. The electronic readerboard displays messages regarding public service announcements or City events only;

f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;

g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;

h. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

J. KZC 45.08 - Affordable Housing. Also Require in BC 1 and BC 2

BC1 and BC 2:

KZC 45.08.4 – In BC 1 and BC 2 zones, 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.

45. No Change to Text

56. No Change to Text

67. No Change to Text

K. KZC 50.10.3 - CBD 1A & 1B KZC Chapter 50. Ground Floor Retail Requirements *

Codifies Interpretation 09-1 and allows back *Parks, Government, and Community Facility* uses as a street front use.

KZC 50.10.3 The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; ~~and~~ Entertainment, Cultural and/or Recreational Facility, Parks, Government Facility, or Community Facility use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.

L. KZC 50.34, 50.35, and Plate 34H - CBD 5 *

Specify height in feet. Delete references to comp plan. Revise's Plate 34h to add a pedestrian connection identified in the Downtown Master Plan. See chart and revised Plate 34h on the following pages.

50.33 User Guide.

The charts in KZC 50.35 contain the basic zoning regulations that apply in the CBD 5 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 50.34



Zone
CBD-5

Section 50.34 – 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. No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following:
 - a. Within 20 feet of Kirkland Way, 2 stories;
 - b. Within 40 feet of Kirkland Way, 4 stories;
 - c. Within 50 feet of Kirkland Way, 5 stories.
- ~~3. Buildings exceeding two stories above average building elevation shall demonstrate compliance with the design regulations of Chapter 02 KZC and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use Design Review (D.R.) to determine compliance.~~
3. 4. The minimum required yard abutting Peter Kirk Park is 10 feet. The required front yard is 0 feet for those portions of buildings with continuous retail or restaurant uses at street level. Kirkland Way shall be considered a pedestrian-oriented street if the front yard is less than 20 feet.
4. 5. No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
5. 6. 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 (does not apply to Public Park uses).
- ~~7. The entire zone must be physically integrated both in site and building design. Also, site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).~~

67'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.35	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.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. Landscape Category A shall apply if the subject property is adjacent to 6th Street or Kirkland Avenue.
.030	Entertainment, Cultural and/or Cultural Recreational Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 2.	E	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> 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. 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 Special Reg. 1.	
.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.	

Section 50.35

Zone
CBD-5

USE ZONE CHART

67'

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

Section 50.35	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	Private Lodge or Club	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	B	See KZC 105.25.	1. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.070	Office Use								D See Spec. Reg. 3.		One per each 350 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 2. The following regulations apply to veterinary office only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. 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 D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.080	Church								D See Spec. Reg. 2.		One per every four people based on maximum occupancy of any area of worship.	1. No parking is required for daycare or school ancillary to the use. 2. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.

67'

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

Section 50.35	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						
			<p style="text-align: center;"> 3 to 5 stories above average building elevation. </p>									
.090	School, Day-Care Center, or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	D	B	See KZC 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.100	Assisted Living Facility See Spec. Reg. 4.							D See Spec. Reg. 3.	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue. 4. This use only allowed: a. On properties with frontage on Second Avenue. b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.	
.110	Stacked or Attached Dwelling Units							D See Special Reg. 1.		1.7 per unit.	1. Landscape Category C is required if the subject property to adjacent to 6th Street or Kirkland Avenue. 2. This use only allowed: a. On properties with frontage on Second Avenue. b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.	

Section 50.35

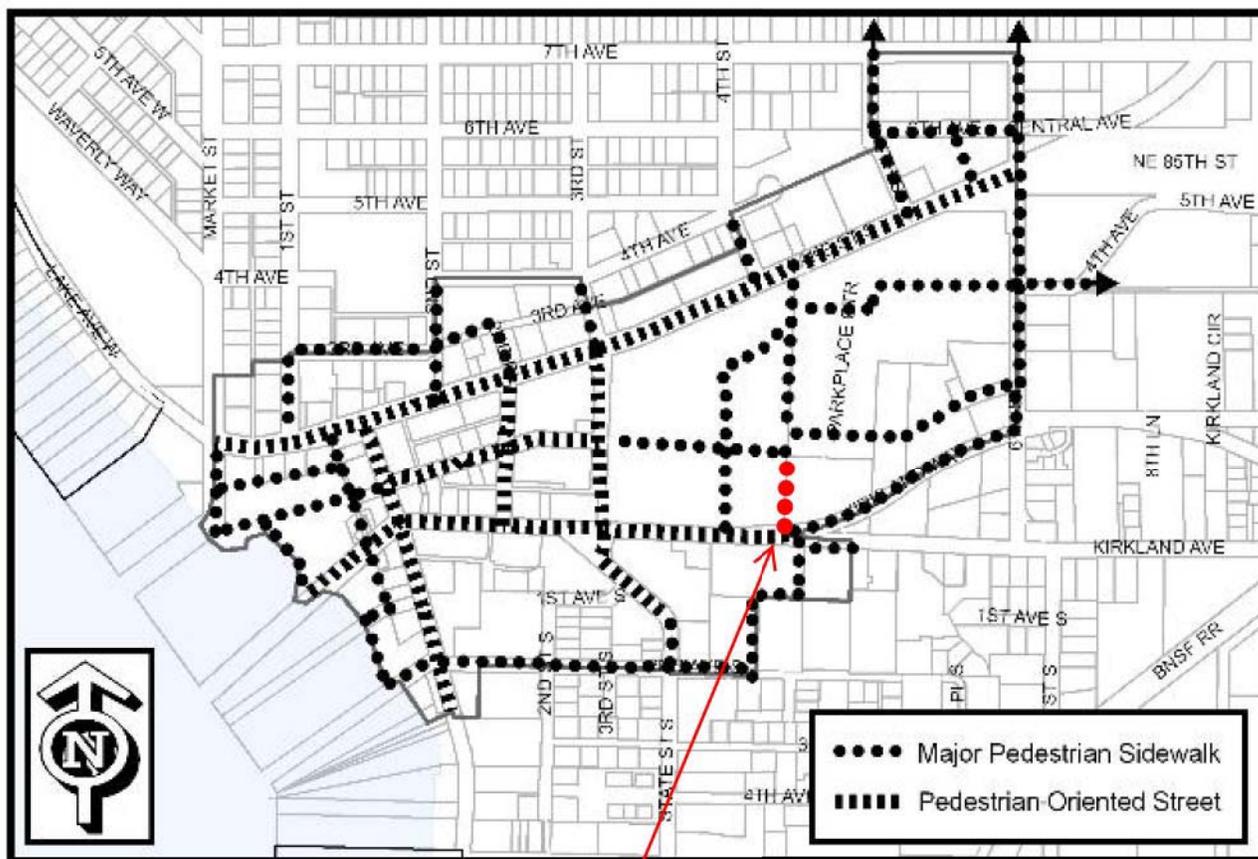
Zone
CBD-5

USE ZONE CHART

67'

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

Section 50.35	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						
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D See Special Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses. Site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										



New Connection

**KZC CHAPTER 180
PLATE 34H**

M. KZC 50.60 - Reduced Multi Family Parking Standards in the CBD *

KZC 50.60.2 (CBD 1, 2, and 8) Number of Spaces

To the extent that subsections (3) and (4) of this section require that uses in the CBD 1, 2, and 8 Zones provide parking, the following establishes the number of spaces required:

- a. Residential uses must provide ~~1.7~~ a minimum of one parking spaces stall per for each dwelling unit bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development. ~~and one~~ One parking space is required for each assisted living unit.*

N. KZC 50.27, 50.32, 50.35, 50.42, 50.52 – Reduced Multi-Family Parking Standards in the CBD*

The same regulation in item M above is being added to the following CBD use zone charts as a special regulation (except for sentence regarding assisted living units since it is under a separate use listing) for the stacked or attached dwelling unit use listing: CBD 3, 4, 5, 6, & 7.

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						
.070	Stacked or Attached Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 2.	0'	0'	80%	41' above average building elevation.	D	A	1.7 per unit.	<ol style="list-style-type: none"> 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. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 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.
.080	Detached Dwelling Units	None	3,000 sq. ft.	20'	5'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	A	2.0 per unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of size. This use may only be located west of State Street. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

See Spec. Reg. 3

3. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

Section 50.32

Zone
CBD-4

USE ZONE CHART

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

Section 50.32	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						
.050	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	54' above average building elevation or existing grade.	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.
.060	Office Use										350	<ol style="list-style-type: none"> 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 D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. 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. Primary vehicle 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.
.070	Church								D See Spec. Reg. 3.	B	One per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<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. No parking is required for daycare or school ancillary to the use. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.080	Stacked or Attached Dwelling Units								D See Spec. Reg. 1.	A	1.7 per unit.	<ol style="list-style-type: none"> Landscape Category C is required if subject property is adjacent to Planned Area 6C.

2. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

See Spec. Reg. 2

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.35	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						
.090	School, Day-Care Center, or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 to 5 stories above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be setback from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Assisted Living Facility See Spec. Reg. 3.								D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue. 4. This use only allowed: <ol style="list-style-type: none"> a. On properties with frontage on Second Avenue. b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.
.110	Stacked or Attached Dwelling Units								D See Special Reg. 1		1.7 per unit.	<ol style="list-style-type: none"> 1. Landscape Category C is required if the subject property to adjacent to 6th Street or Kirkland Avenue. 2. This use only allowed: <ol style="list-style-type: none"> a. On properties with frontage on Second Avenue. b. Within 170 feet of Peter Kirk Park provided that the gross floor area of this use does not exceed 12.5% of the total gross floor area for the subject property.

3. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

See Spec. Reg. 3

Section 50.42

Zone
CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	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	REQUIREMENTS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Stacked, or Attached Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	54' above average building elevation. See also Spec. Reg. 3.	D See Spec. Reg. 4.	A	1.7 per unit.	<ol style="list-style-type: none"> Along Central Way, this use is only permitted above the ground floor. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured from the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street, as measured at the midpoint of the frontage of the subject property on Fifth Street. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. 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. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50 percent of this area shall be open space.

8. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

Section 50.47

Zone
CBD-7

USE ZONE CHART

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						
.110	Assisted Living Facility	D.R., Chapter	None	20'	0'	0'	80%	41' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall for each bed. 3. 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. 	
.120	Stacked or Attached Dwelling Units See Special Regulation 1.										1.7 per unit.	<ol style="list-style-type: none"> 1. 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. 	
.130	Public Utility, Government Facility, or Community Facility								D See Spec. Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses. 	
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

2. This use must provide a minimum of one parking stall per bedroom or studio unit and an average of at least 1.3 parking stalls for each development. In addition, guest parking shall be provided at a rate of 0.1 stalls per bedroom or studio unit with a minimum of two guest parking stalls provided per development.

See Spec. Reg. 2

O. KZC 55.31 - Government Facilities in the TL 4B Zone *

KZC Section 55.31.4. - At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels except for structures containing a government facility use in the TL 4B zone. These uses shall be oriented to a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 105 KZC).

P. KZC 60.12.010 - Fix Incorrect References to Landscape Buffers – PLA 1

KZC Section 60.12.010 Special Regulation

d. A 30-foot-wide landscape buffer planted as follows: pursuant to the requirements of KZC 95.25(2)

1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.

3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.

e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsection d (1) and (2) above ~~KZC 95.25(2)~~ shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.

Q. KZC 60.85 - Affordable Housing. Also Require in PLA 6G

PLA 6G:

KZC 60.85.2 - 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.

23. No Change to Text

34. No Change to Text

45. No Change to Text

56. No Change to Text

R. KZC 60.185.4 - Delete Vague Stream/Wetland Regulation in PLA 17 *

The following regulation is being deleted because it is not clear and since KZC Chapter 90 contains the City’s stream and wetland regulations.

KZC Section 60.185.4: ~~During and after construction, substantial setbacks and protective measures should be provided around streams and wetlands (does not apply to Detached Dwelling Unit and Family Day Care Home uses).~~

54. No change to text.

65. No change to text.

S. KZC 100.25 - Window Signs

Clarify that window signs do not require a permit in KZC 100.25.1.b:

b. A permit must be obtained from the Department of Planning and Community Development in order to display any sign for which a permit is not required by subsection (1)(a) of this section, except for real estate on-site (other than for dwelling units), real estate off-site, construction, temporary commercial, integral, private notice, instructional, private advertising, window signs, private traffic direction and off-site directional signs. Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.

T. KZC 100.115 - Window Signs

Codifies Interpretation 86-11 which exempts windows signs from KZC Chapter 100 by adding window signs to KZC 100.115.A.

Type of Sign	Maximum Number of Signs	Maximum Sign Area	Permitted Location	Permitted Duration of Display
<u>Window Sign</u>	<u>No maximum</u>	<u>No limitation</u>	<u>Subject property</u>	<u>No limitation</u>

U. KZC 105.103 - Public Comment for Parking Modifications

Addition of public notice and comment process for parking modifications.

KZC 105.103.3.c

For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use...

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces pursuant to subsection (2)(b) of this section without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven calendar days.

V. KZC 112.15.1 - Clarify that Voluntary Affordable Housing is allowed where Affordable Housing is not required.

The proposed changes clarify that affordable housing incentives can be utilized in zones that affordable housing is not required.

KZC 112.15.1 ~~Minimum Requirement Applicability~~ –

a. ~~Minimum Requirement.~~ All developments creating four or more new ~~detached, attached or stacked~~ dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.

b. ~~Voluntary Use.~~ All other provisions of this chapter are ~~applicable available for use~~ within the disapproval jurisdiction of the Houghton Community Council ~~and in developments where the minimum requirement does not apply.~~

W. KZC 112.15.4 and 112.15.5 - Clarify Application Rounding Language for Affordable Housing

Combine KZC Sections 112.15.4 and 5 to avoid confusion as to when affordable housing is required.

KZC Section 112.15

4. ~~Rounding and Alternative Compliance~~ – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66.

5. ~~Alternative Compliance~~– KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

X. KZC 112.25.2 - Clarify Density Bonus for Affordable Housing Units

KZC 112.25.2 Density Bonus – An applicant may propose more than two bonus units for every affordable housing unit or a density bonus exceeding 25 percent of the number of units allowed in the underlying zone of the subject property. However, in no event may a project receive a bonus that would result in a number of bonus units that exceeds 50 percent of the number of units allowed in the underlying zone of the subject property. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this

subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

Y. KZC 115.07 and 115.08 - Clarify Height and Size of Detached Accessory Dwelling Units (ADU's)

The following changes clarify the height and size limitations for ADU's in KZC Sections 115.07 and .08:

KZC 115.07(4) Scale - Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. When calculating the square footage of the ADU (see KZC 5.10.340, definition of "gross floor area"), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC Section 115.08 for additional size and height limitations.

KZC 115.08 Accessory Structure (Detached Dwelling Unit Uses Only) - Structures, to be used as a tool shed, greenhouse, private garage, accessory dwelling unit, barn or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet. An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07 which may further limit its size.

The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. The height (roof peak elevation) of an accessory structure may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height (roof peak elevation) of the primary residence ~~or 25 feet above average building elevation,~~ whichever is less. ~~An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07.~~

Z. KZC 115.40 - Fence Heights

The proposed change requires a setback and landscaping for fences along arterials.

KZC 115.40.1. General

- a. Fences not over six feet in height may be anywhere on the subject property except:

 - 1) A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or*
 - 2) If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.*
 - 3) A fence may not violate the provisions of KZC 115.135.*
 - 4) A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.**

On corner lots with two required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.

5) A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

56) No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

AA. KZC 115.95 - Delete Outdated Reference to State Watercraft Noise Standards

Washington Administrative Code 173-70 no longer exists. The proposed amendment deletes the outdated reference.

KZC Section 115.95 Noise Regulations

1. Maximum Environmental Noise Levels

- a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.*
- ~~b. Watercraft Noise Performance Standards – The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.~~*
- ~~c. Availability – These regulations are available for inspection and copying in the Planning Department during regular business hours.~~*

BB. KZC 117.50 - Review Timing for Co-Location of Wireless Facilities

Codifies FCC declaratory ruling (WT Docket No. 08-165).

117.50 Application Requirements

- 1. The City shall act within 90 days for co-location of wireless facilities and 150 days for all other wireless facilities applications a reasonable period of time on a which are complete applications submitted pursuant to this chapter, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. When an application is filed for co-location of wireless facilities and the application is to be processed pursuant to Process IIB, the City shall attempt to meet the applicable 90 day processing and decision timeframe. However, in some cases it may not be possible to fully process and decide a Process IIB co-location application within 90 days. In such cases, the City and the applicant shall agree to extend the 90 day processing and decision period, but only to the extent necessary to fully process and decide the application.*

CC. KZC 117.65.7 - Wireless Antennas on Water Reservoirs *

KZC Section 117.65.7.g. Antennas, including flush-mounted panel or directional antennas, may be attached to an existing conforming mechanical equipment enclosure or stair or elevator penthouse or similar rooftop appurtenance which projects above the roof of the building, but may not project any higher than the enclosure. Antennas may also be allowed on safety railings located at the roofline of a water reservoir provided that the antennas do not extend above the safety railing.

DD. KZC 117.65.8 - Wireless Facilities KZC Chapter 117 – Historic

KZC 117.65.8. The proposed amendments clarify the review of PWSF at historic locations

~~*Historic or Landmark Locations—No antennas shall be permitted on property designated as a historic resource or community landmark as identified in the Comprehensive Plan, unless such antennas have been approved in accordance with design requirements pertaining to historic structures.*~~

Designated Historic Community Landmarks—

a) Applications for PWSF on buildings, structures, or objects designated in Table CC-1 List A and B located in the Historic Resources section of the Community Character Element in the Comprehensive Plan shall be subject to the provisions of this chapter. The City shall notify the King County Historic Preservation Office in order to provide an opportunity for comments and recommendation on the application. The recommendation will be considered when making a decision on the application.

Applications for PWSF towers on properties designated in Table CC-1 only as historic sites, shall be reviewed subject to the provisions of this chapter and pursuant to the notification and consideration requirements in Subsection 8(a). Other PWSF applications on designated site-only properties are subject to the provisions of this chapter but do not require the notification and consideration requirements in Subsection 8(a).

EE. KZC 120.10 - Correct Code reference for variance process notification

KZC 120.10 Process for Deciding Upon a Proposed Variance

The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:

- 1. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.~~3022~~(2).*

The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:

2. *The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone. For variance applications as to property located within an RS, RSA or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.3022(2).*

FF. KZC 120.12 - HCC Administrative Variances

Allows administrative variances in HCC jurisdiction.

120.12 Expansion or Modification of an Existing Structure

~~*The following section is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

If the expansion or modification of an existing structure requires a variance under this chapter, the Planning Director may approve such expansion or modification without requiring the variance process if all of the following criteria are met:

1. *The request complies with the criteria in KZC 120.20; and*
2. *The gross floor area of the structure is expanded by less than five percent; and*
3. *The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.*

GG. Various Code Sections - Hearing Examiner Appeal Notice *

These changes make the appeal hearing notice timing consistent between various Hearing Examiner appeal types and the standard Process I and IIA appeals.

95.55.10.e - The office of the Hearing Examiner shall give notice of the hearing to the appellants at least ~~1714~~ calendar days prior to the hearing.

115.07.11.c - Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least ~~1714~~ calendar days prior to the hearing.

117.95.1 - An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least ~~1714~~ days prior to the hearing.

170.40.5.d(1) - The office of the Hearing Examiner shall give notice of the hearing before the Hearing Examiner to the appellant ~~1714~~ calendar days before such hearing.

HH. KZC 150.85 - Minor text edit*

KZC 150.85 Notice of Consideration of the Appeal

1. *Contents – The Planning Official shall prepare a notice of the appeal containing the following:*
 - a. *The file number and a brief ~~verbal~~ written description of the matter being appealed.*

II. KZC 155 - Eliminate Chapter

Process III is no longer an applicable process within the City. The entire chapter is being deleted.

**ATTACHMENT B
MUNICIPAL CODE CHANGES**

**FILE NO. ZON10-00013
2010 MISCELLANEOUS CODE AMENDMENTS PHASE II**

* - Not subject to Houghton Community Council review

How to read this document:

- Italicized text reflects existing code language
 - Italicized text that is covered by a strike-through (~~abc~~) is existing text currently contained in the Zoning Code that is to be deleted.
 - Italicized text that is underlined (abc), with the exception of section headings, is new text that is to be added.
-

A. Correct Typographical Error in KMC Section 22.04.30(b)(1)*

KMC Section 22.04.30(b)(1). Eligible Developments. The following types of development are subject to the provisions of this section:

(b)(1) A division for the purpose of lease when ~~nonresidential~~ no residential structures other than mobile homes or travel trailers are permitted to be placed upon the land;...

B. Fixes Incorrect Code Reference in Kirkland Municipal Code (KMC) Section 22.32.050*:

KMC 22.32.050 Undergrounding of transmission lines—Required.

The applicant shall comply with the utility lines and appurtenances requirements of the zoning code, Section 110.60.79.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4286

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 5 – DEFINITIONS, CHAPTER 10 – LEGAL EFFECT/APPLICABILITY, CHAPTER 15 – SINGLE-FAMILY RESIDENTIAL (RS) ZONES, CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES, CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM AND RMA) ZONES, CHAPTER 25 – PROFESSIONAL OFFICE RESIDENTIAL (PR) AND PROFESSIONAL OFFICE RESIDENTIAL A (PRA) ZONES, CHAPTER 27 – PROFESSIONAL OFFICE (PO) ZONES, CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES, CHAPTER 35 – FREEWAY COMMERCIAL (FC) ZONES, CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) ZONES AND NEIGHBORHOOD BUSINESS A (BNA) ZONES, CHAPTER 45 – COMMUNITY BUSINESS (BC, BC 1 AND BC 2) ZONES, CHAPTER 47 – COMMUNITY BUSINESS X (BCX) ZONES, CHAPTER 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES, CHAPTER 49 – PARK/PUBLIC USE (P) ZONES, CHAPTER 50 – CENTRAL BUSINESS DISTRICT (CBD) ZONES, CHAPTER 51 – MARKET STREET CORRIDOR (MSC) ZONES, CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES, CHAPTER 53 – ROSE HILL BUSINESS DISTRICT (RHBD) ZONES, CHAPTER 54 – NORTH ROSE HILL BUSINESS DISTRICT (NRHBD) ZONES, CHAPTER 55 – TOTEM LAKE (TL) ZONES, CHAPTER 60 – PLANNED AREAS (PLA), CHAPTER 100 – SIGNS, CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS, CHAPTER 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY, CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES, CHAPTER 120 – VARIANCES, CHAPTER 150 – PROCESS IIA, CHAPTER 155 – PROCESS III, CHAPTER 170 – CODE ENFORCEMENT, CHAPTER 180 – PLATES; AND AMENDING SECTIONS 22.32.050 AND 22.04.030 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends various sections of the Kirkland Zoning Code and the Kirkland Municipal Code, as set forth in more detail in the title of the Ordinance.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Provides that, to the extent the Ordinance is subject to the disapproval jurisdiction of the Houghton Community Council, it will become effective in the Houghton Community Municipal Corporation upon approval of the Houghton Community Council, or the failure of said Community Council to disapprove the Ordinance within 60 days of the passage of the Ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as April 1, 2011.

SECTION 5. Provides that a certified copy of this Ordinance will be provided 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 meeting on the ____ day of _____, 2011.

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

City Clerk