



**CITY OF KIRKLAND**  
Planning and Community Development Department  
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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** August 24, 2011

**Subject:** RECOMMENDATION ON THE FAST TRACK ZONING CODE AND  
MUNICIPAL CODE AMENDMENTS, FILE NO. ZON11-00020

**RECOMMENDATION**

Approve the proposed amendments. The Council may do so by adopting the enclosed ordinances.

**BACKGROUND DISCUSSION**

These amendments have been reviewed using the "Fast Track" code amendment process, Process IVA, pursuant to 161 KZC. Process IVA was adopted in 1997 to increase efficiency when enacting minor Zoning Code amendments. A roster of the proposed amendments was approved by the City Council on June 21, 2011 authorizing the review of the proposed amendments through Process IVA. This bundle of amendments includes a variety of minor clarifications, simplifications and corrections to the Zoning Code and two minor changes to the Kirkland Municipal Code. Several proposed amendments were added to the list after it was reviewed by Council in June. They are identified with an asterisk\* on the attached roster summary (Exhibit A to this memorandum).

On July 25, 2011, as required by Chapter 161 KZC, a public hearing was held on the proposed amendments by the Planning Director. The Houghton Community Council declined to hold a hearing on the amendments after concluding that those within the Community Council jurisdiction were minor. The staff report prepared for the hearing can be accessed by following this link:

[Fast Track Planning Director Hearing - July 25, 2011](#)

At the hearing, there was no public testimony but refinements to the proposed Zoning amendments were entered into the record, based on a critique by planning staff. The hearing was held open until 5:00 on July 25, 2011, in order to receive a further staff refinement to Chapter 117 KZC regarding personal wireless service facilities. A roster summary of all amendments is attached as Exhibit A. The final ordinances incorporate all of the amendments as recommended by the Planning Director.

One of the amendments allows electronic reader board signs at the North Kirkland Community Center (NKCC) (Exhibit B). The Council may recall that such signs are currently allowed through an interim ordinance (O-4297). Administrative Policy 2-3 establishes content and usage policies for electronic reader board signs (Exhibit C). The policy limits electronic reader board messages at the NKCC to only those relating to emergencies. The proposed code amendment is not as restrictive as the policy, but the policy will continue to apply. However, if code amendment is adopted, the policy will need to be amended to delete a reference to the interim ordinance, as shown in Exhibit C. The policy amendment would be handled administratively.

### **DECISIONAL CRITERIA**

According to Chapter 161 KZC, a proposed amendment may be approved through Process IVA if it meets the decisional criteria established in the applicable provision of the Zoning Code. Sections 161.15 and 161.25 further establish that Process IVA is only to be used for Zoning amendments that:

- Are minor
- Are not controversial
- Do not need extensive policy study
- Promote clarity, eliminate redundancy or correct inconsistencies.

### **CONCLUSION**

The full texts of the amendments are presented in the Attachments to the enclosed ordinances. Separate ordinances are provided for the Zoning and Municipal Code amendments. Both the Zoning Code and Municipal Code amendments are recommended by the Planning Director. The proposed amendments satisfy the applicable decisional criteria and may be approved by adopting the enclosed ordinances.

### **EXHIBITS**

- A Roster summary of all amendments
- B Proposed zoning text revision regarding allowing electronic reader board signs at the North Kirkland Community Center
- C Administrative Policy for Electronic Reader Board Signs Content and Usage

cc: File ZON11-00020

**File No. ZON11-00020**  
**Roster and Summary of Proposed Fast Track Zoning Amendments and**  
**Kirkland Municipal Code Amendments**

**Amendments added after City Council review in June are identified with an asterisk\***

**ZONING AMENDMENTS**

**Chapter 49 – Park/Public Use (P) Zones**

49.15.030      Expand government facilities (to include the North Kirkland Community Center) allowed to have electronic readerboards for public service messages. Currently only fire stations are permitted to have them. Duplicate language currently used for regulating electronic readerboards at fire stations. City Council has established a policy for what constitutes public service messages at the NKCC.

**Chapter 50 - Central Business District (CBD) 5 Zone**

50.35.70      Office Use - Correct the sign category for offices. Change from B to D consistent with all other CBD zones and office zones. Sign category D allows wall-mounted, marquee, pedestal and monument signs. (Marquee signs are any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.)

**\* Chapter 53 – Rose Hill 7 Zone**

53.74.080.      Special Regulation 4 – Correct the number of units that trigger the affordable units requirement. In 2009, O-4222 was adopted, which changed the threshold for requiring affordable housing from 10 units to 4 units throughout the code. This change did not get made in RH7.

**Chapter 90 – Drainage Basins**

90.35            Wetland Determinations, Delineations, Regulations, Criteria, and Procedures- Change reference from 1997 DOE manual to DOE mandated federal manual for wetland delineations, as required by Department of Ecology, effective March 14, 2011 (WAC 173-22-035). Add a clause that eliminates the need to revise this section in the future.

\* 90.45.1        Wetland Buffers and Setbacks – Clarify that both land surface modification and tree removal are prohibited in wetland buffers and setbacks. Tree removal was deleted from the LSM definition in 2008 with O-4151. This deletion was part of the reorganization of the Zoning Code that re-located tree removal regulations to Chapter 95 Tree Management and Required Landscaping. Historically tree removal was included in the LSM definition and prohibited in sensitive areas. Inadvertently, when tree removal was removed from the LSM definition it was not picked up in

Chapter 90 Wetlands and Setbacks, resulting in allowing tree removal. This amendment re-instates this prohibition.

- \* 90.80 & 90.1 Activities in or Near Streams & Stream Buffers and Setbacks - As noted above for the amendment to 90.45.1, clarify that both land surface modification and tree removal are prohibited near streams and in stream buffers and setbacks.

### **Chapter 105 – Parking Areas, Vehicle and pedestrian Access, and Related Improvements**

- \* 105.15 Exception in Design Districts – Reorganize for clarity
- 105.18 Pedestrian Access- Reorganize for clarity.
- 105.19 Public Pedestrian Walkways- Reorganize for clarity.
- \* 105.103 Modifications - Reorganize for clarity.

### **Chapter 115 – Miscellaneous Use, Development and Performance Standards**

- 115.07.4 Accessory Dwelling Units – Clarify that the ADU floor area limit is not based on the area of garages, sheds or outbuildings. Reorganize section to clarify that detached ADU's are limited to lesser of 800 sq ft or 40% of combined primary and ADU sq ft.
- 115.23.1 Common Recreational Open Space Requirements for Certain Residential Uses – Add RMA and PRA zones to the list of zones where common open space is required. This was an oversight with annexation zoning.

### **\* Chapter 117 – Personal Wireless Service Facilities**

- 117.15 Definitions – Add definition of “approved antenna or tower” to address existing legally non-conforming PWSF's in the JFK annexation area.
- 117.20 Applicability – Clarify that electronic equipment may be added to existing approved cell facilities if it meets concealment requirements.
- 117.40 Application Review Process – Correct footnote references in chart.
- 117.70 Equipment and Equipment Structure Standards – Clarify that equipment may not always be located in an equipment structure, but still must meet standards.
- 117.105 Clarify that complete compliance is required based on all prior approvals unless a subsequent modification is granted.

## Chapter 142 – Design Review

142.40 Appeals of Design Review Board Decisions – Clarify which sections of Chapter 142 and which sections of Chapter 145 apply.

### Various Chapters

- Delete references to Uniform Building Code, because it has changed to the International Building Code. Also, delete references to the Uniform Sign Code, because the City did not adopt Appendix H (the uniform sign code section) of the IBC. Therefore no other sign regulations have to be considered, as was the case before adoption of the IBC. The structural parts of a sign must continue to be consistent with the IBC to receive permit approval from the Building Department. Therefore, compliance with the IBC remains. (Chapters 5,100)
- Clarify which Zoning Code section regulates installation of through block pedestrian pathways. (Chapters 20, 48, 52, 53, 55)
- \* Make application requirements for Process IIA and IIB consistent with Process I application requirements. It is no longer necessary for the applicant to provide public notice materials since the City GIS department now provides address labels, vicinity maps, and assessor maps. Therefore these requirements are eliminated. (Chapters 150, 152)

## KIRKLAND MUNICIPAL CODE

### Title 19 – Streets and Sidewalks

19.16.040 Petition for vacation brought by abutting property owners – Change street vacation application requirements so they are consistent with Zoning Code requirements.

\* 19.16.070 Vacations of streets and access easements-Public notification of hearing – Eliminate bond requirement to ensure removal of signs. Such bonding has been demonstrated to be unnecessary.

Section 49.15



USE ZONE CHART

Exhibit B

or at the North  
Kirkland  
Community Center

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 49.15	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						
.020	Public Utility	None	None	Will be determined on case-by-case basis.			--	--	See KZC 105.25.	1. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA. 2. 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.		
.030	Government Facility Community Facility	See Special Regulation 1.										

**City Facilities**  
**Electronic Reader Board Signs Content and Usage**  
**Chapter 2, Community Relations**  
**Policy 2-3**  
**Effective Date: July 7, 2011**

**Purpose:**

1. To provide guidelines for the use of electronic reader board signs installed at City of Kirkland facilities.
2. To establish departmental oversight and management for electronic reader board signs installed at City of Kirkland facilities.
3. To facilitate the use of electronic reader board signs at City of Kirkland facilities primarily for public safety information.

**Goal:**

To ensure public safety through the use of electronic reader board signs to communicate with the public during emergencies, natural disasters or other events that requires rapid and widespread communication with the community.

**Scope:**

This policy applies to electronic reader board signs located at City of Kirkland facilities where allowed by the Kirkland Zoning Code including Fire Stations and at North Kirkland Community Center.

**Definitions:**

**Emergency** for the purposes of the use of electronic reader board signs is any event or situation that presents immediate or imminent hazards to the community as determined by the City Manager in consultation with the City's Office of Emergency Management.

**Electronic Reader Board Administrators ("Administrators")** is defined as the Deputy Fire Chief, Fire and Building Services Department, responsible for emergency management activities and, for non-emergency messages, the Communications Program Manager in the City Manager's Office.

**Content** is the text that can be displayed for a single message.

**References:**

Kirkland Zoning Code 17.10.080

**Policy:**

The following procedures and standards will be used by all departments as applicable to the use of electronic reader boards located at City facilities.

**I. Electronic Reader Board Sign Content**

1. The primary purpose of the electronic reader board signs installed at City facilities is for communication with the public regarding emergencies. The following levels of public safety messaging are established for the purpose of indentifying when emergency information messages may be posted on reader board signs. The reader board at the North Kirkland Community Center is limited ~~by interim Ordinance No. 4297 (proposed deletion)~~ to emergency situations as determined by the City Manager:
  - a. Level 3 Emergency – The City's Emergency Operations Center (EOC) is fully activated and a state of emergency has been or will likely be formally declared.
  - b. Level 2 Emergency – The City's EOC is partially activated and there is an expected event or an event that has already occurred that requires close coordination of multiple City functions.
  - c. Level 1 Emergency – Minimal functions of the City's EOC are activated in order to coordinate communication to the public and alert responders to potential hazardous conditions.
  - d. Driver Alerts – Amber alerts and notices of public safety incidences, driving conditions or road closures requiring caution or alternate routes.
2. A secondary purpose of the electronic reader board signs installed at the City facilities (unless otherwise restricted by law) is to provide information about City-sponsored meetings and public service messages.
  - a. Public Education and Public Service Announcements – Educational messages or announcements related to public health, safety and the environment and the time and date. Examples include, but are not limited to, emergency preparedness advice and fireworks ban.
  - b. Notice of City Events – Notices of City-sponsored meetings or events or driver alerts related to such activities. Examples include, but are not limited to, City Council meetings with a neighborhood association, neighborhood association meetings and public hearings or workshops.
3. Information related to emergencies will have first priority over all other uses (e.g. notice of City and neighborhood meetings, public service announcements, time and date, City-sponsored events).
4. Electronic reader board signs may not be used for the promotion of commercial activities such as business promotions or fund raising events.

## II. **Allowed Users and Management**

1. Use of electronic reader board signs is restricted to City employees in the Fire and Building Department and the City Manager's Office.
2. Management of electronic reader board signs will be the responsibility of the Administrators. The Administrators:
  - i. Screen and approve all emergency and non-emergency messages posted to the electronic reader board. Non-emergency messages will be screened and approved by the Communications Program Manager.
  - ii. Consult with the City Manager regarding when an emergency exists for the purpose of limiting or prioritizing reader board messages.
  - iii. Establish priority messages related to emergency public safety issues.
3. The Office of Emergency Manager will:
  - i. Monitor and assure that electronic reader board signs are used and maintained in accordance with this policy and the Kirkland Zoning Code.
  - ii. Monitor and assure that electronic reader board signs are maintained in good working order and repaired timely.

## III. **Restrictions**

1. Use of electronic reader board signs will conform to the standards and uses identified in the Kirkland Zoning Code (17.19.080):
  - i. The electronic reader board signs will 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;
  - ii. The electronic reader board signs will display messages regarding public service announcements or City events only;
  - iii. The intensity of the display will 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 the hours of darkness;
  - iv. The electronic reader board sign will be turned off between 10 pm and 6 am except during emergencies.

ORDINANCE O-4320

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 20 – RM AND RMA ZONES; CHAPTER 48 – LIT ZONES; CHAPTER 49 – P ZONES; CHAPTER 50 – CBD 5 ZONE; CHAPTER 52 – JBD ZONES; CHAPTER 53 – RHBD 7 ZONE; CHAPTER 55 - TL ZONES; CHAPTER 90 – DRAINAGE BASINS; CHAPTER 100 – SIGNS; CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115 – MISCELLANEOUS STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 142 – DESIGN REVIEW; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION , FILE NO. ZON11-00020.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Director 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 Director dated August 24, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON11-00020; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Director, following notice thereof as required by RCW 35A.63.070, on July 25, 2011, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, the Houghton Community Council decided not to hold a courtesy hearing, on the amendment proposals; 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 Director; and.

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

Section 1. Zoning text amended: The specified sections of the text of the Kirkland Zoning Code, Ordinance 3719 as

amended, be and they hereby are amended to read as set forth in Attachment A 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 full force and effect January 1, 2012, after its passage by the Kirkland 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

## Chapter 5 – Definitions

5.10 Definitions (*Note: Only definitions for which changes are proposed are included below. All other definitions in Chapter 5 KZC remain unchanged*)

~~430 International Building Code -The International Building and related Codes as amended and adopted in KMC Title 21~~

~~940 International Building Code (formerly Uniform Building Code)– The International Building and related Codes as amended and adopted in KMC Title 21.~~

~~945 Uniform Sign Code– The Uniform Sign Code as amended and adopted in Chapter 21.16 KMC.~~

## Chapter 20 – Multifamily Residential (RM and RMA) Zones

### 20.08 – General Regulations

The following regulations apply to all uses in this zone unless otherwise noted:

8. If the property is located in the NE 85th Street Subarea, the following shall apply:

a. (*No change*)

b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).

## Chapter 48 – Light Industrial Technology (Lit) Zones

### 48.10 – General Regulations

The following regulations apply to all uses in this zone unless otherwise noted:

4. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19(3) (See Plate 34K).

## Chapter 49 – Park/Public Use (P) Zones (see Use Zone Chart)

## Chapter 50 – Central Business District (CBD) 5 Zone (see Use Zone Chart)

## **Chapter 52 - Juanita Business District (JBD) Zones**

### **52.10 – JBD 1 General Regulations**

The following regulations apply to all uses in this zone unless otherwise noted:

4. The applicant shall install a through-block pathway extending from the north end to the south end of JBD 1 of the Juanita Business District. Two through-block pathways, spaced far enough apart to provide maximum accessibility for the whole block, will also extend from the east side to the west side of JBD 1 (see Plate 34I in Chapter 180 KZC). See KZC 105.19(4) for through-block pathway standards.

## **Chapter 53 – Rose Hill Business District (RHBD) 7 Zone (see Attachment C)**

### **53.32 – RH 3 General Regulations**

The following regulations apply to all uses in this zone unless otherwise noted:

9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19(3); see Plate 34K:

## **Chapter 55 - Totem Lake (TL) Zones**

### **55.19 – TL 2 General Regulations**

The following regulations apply to all uses in this zone unless otherwise noted:

3. The applicant shall install at least one through-block pathway pursuant to the standards in KZC 105.19(4) from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone shall also be provided.

### **55.37 – TL 5 General Regulations**

The following regulations apply to all uses in this zone unless otherwise noted:

9. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street), designated as major pedestrian sidewalks in Plate 34F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway

standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

#### 55.43 – TL 6A, 6B General Regulations

The following regulations apply to all uses in this zone unless otherwise noted:

10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

### Chapter 90 – Drainage Basins

#### 90.35 Wetland Determinations, Delineations, Regulations, Criteria, and Procedures

All ~~determinations and~~ delineations of wetlands shall be made using the criteria and procedures ~~contained in the Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology, 1997) described in WAC 173.22.035, now or as hereafter amended.~~ All determinations, delineations, and regulations of wetlands shall be based on the entire extent of the wetland, irrespective of property lines, ownership patterns, and the like.

#### 90.45 Wetland Buffers and Setbacks

1. No land surface modification or tree removal shall occur and no improvement may be located in a wetland or its buffer, except as provided in ~~this section~~ KMC 90.45 through 90.70. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for wetlands are as follows:

Wetland Type	Primary Basin	Secondary Basin
1	100 feet	75 feet
2	75 feet	50 feet
3	50 feet	25 feet

#### 90.80 Activities in or Near Streams

No land surface modification or tree removal may occur and no improvements may be located in a stream or its buffer except as provided in ~~KZC 90.90 through 90.120~~ this chapter.

### 90.85 Stream Determinations (*No change*)

### 90.90 Stream Buffers and Setbacks

1. Stream Buffers – No land surface modification or tree removal shall occur and no improvement may be located in a stream or its buffer, except as provided in ~~this section KZC 90.90 through 90.120~~. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for streams are as follows:

Stream Class	Primary Basins	Secondary Basins
A	75 feet	N/A
B	60 feet	50 feet
C	35 feet	25 feet

## Chapter 100 Signs

### 100.20 ~~Uniform Sign Code and~~ International Building Code – Compliance Required

1. General – Each sign erected or altered after the effective date of this code must comply with the provisions of ~~the Uniform Sign Code and~~ the International Building Code as adopted by the City.
2. Conflict of Provisions – If any provision of this chapter conflicts with ~~the Uniform Sign Code or~~ the International Building Code, the provision of this chapter will govern.

## Chapter 105 – Parking- Areas, Vehicle and Pedestrian Access, and Related Improvements

### Sections:

- 105.15 Exception in Design Districts
- 105.18 Pedestrian Access
- 105.19 Public Pedestrian Walkways
- 105.103 Modifications

### 105.15 Exception in Design Districts

If the subject property is within a Design District, the requirements contained within the applicable Use Zone Charts, these chapters and Chapter 92, or Chapter 110 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter

that do not conflict with the Design District chapters and Chapter 92 KZC apply to properties in their respective zones.

## 105.18 Pedestrian Access

1. General – Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the City. Providing pedestrian access from buildings to abutting rights-of-way, walkways and other uses on the subject property, and connections between properties help meet the objectives of nonmotorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, reduces traffic congestion and promotes nonmotorized travel options and provides health benefits. This section establishes general regulations for pedestrian access intended to that primarily benefit serves the users of the subject property and for which dedication of public access rights is not required. Section 105.19 establishes regulations for when public pedestrian access and for which dedication of public access is required.
2. Pedestrian Access - Location - The applicant ~~All new development, except detached single-family and duplex uses,~~ shall comply with the following pedestrian access requirements ~~with new development for all uses, (multifamily, office, retail, restaurants and taverns, institutional uses and community facilities, industrial (except detached single-family and duplex,)~~ pursuant to the standards in subsection (32) of this section ~~and KZC 105.19~~:
  - a. Pedestrian Access From Buildings to Sidewalks and Transit Facilities – Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and transit facilities pursuant to the applicable standard in subsection (32) ~~(a) or (b)~~ of this section.
  - b. Pedestrian Access Between Uses on Subject Property – Provide pedestrian walkways between the primary entrances to all businesses, uses, and/or buildings on the subject property pursuant to the applicable standard in subsection (32) ~~(a) or (b)~~ of this section.
  - c. Pedestrian Access Along Building Facades Not Adjacent to a Sidewalk in the Rose Hill Business District (RHBD) and Totem Lake Neighborhood (TLN) Design DistrictsZones – In RHBD and TLN Design Districtszones, for buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire facade of all building facades containing the primary entrance (see Figure 105.18.A). The walkway shall meet the through-block pedestrian pathway standards in KZC 105.19(23)(b) (see also Figure 105.19.A) except public dedication will typically not be required (see Figure 105.19.A). Exceptions may be approved as part of Design Review in the following circumstances: where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access

shall be provided from the abutting sidewalk to the primary entrance to the buildings.

- d. ~~Pedestrian Connections~~ Between Properties – Provide pedestrian walkways connecting to adjacent properties pursuant to the applicable standards in subsection ~~(23)(a) or (b)~~ of this section. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.
- e. ~~Pedestrian Access~~ Through Parking Areas – All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to subsection ~~(32)(e)~~ of this section (see Figures 105.18.B and C).
- f. ~~Pedestrian Access~~ Through Parking Garages – Provide marked pedestrian routes through parking garages from the parking area to the abutting public right-of-way and to the pedestrian entrance of the building. Install walkways pursuant to standards in subsection ~~(32)(e)~~ of this section.
- ~~g. Overhead Weather Protection – The applicant shall provide pedestrian overhead weather protection pursuant to standards in subsection (2)(d) of this section:~~
  - ~~1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;~~
  - ~~2) Over the primary exterior entrance to all buildings including residential units;~~
  - ~~3) Exceptions in Design Districts:  
  
In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.  
  
In RHBD and TLN Zones: Along at least 75 percent of a pedestrian-oriented building facade.  
  
In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.  
  
For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.~~

~~23. Pedestrian Access - Required Improvements~~  
~~Development Standards Required for Pedestrian Improvements~~

a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:

- 1) Must be at least five (5) feet wide;
- 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
- 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;
- 4) Will not be included with other impervious surfaces for lot coverage calculations;
- 5) Must be centrally located on the subject property;
- 6) Must be accessible;
- 7) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
- 8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

~~a.b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:~~

~~1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;~~

~~2) Over the primary exterior entrance to all buildings including residential units.~~

~~3) Exceptions in Design Districts:~~

~~In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.~~

~~In RHBD and TLN Zones: Along at least 75 percent of a pedestrian oriented building facade.~~

~~In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.~~

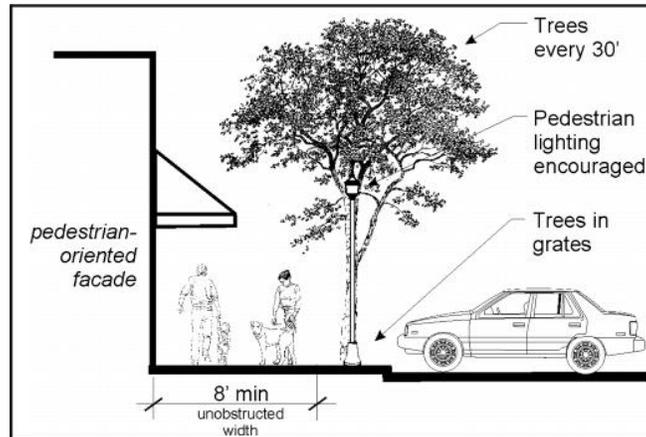
For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

- c. Overhead Weather Protection – Configuration - The overhead weather protection may be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features. The overhead weather protection must cover at least five (5) feet of the width of the adjacent walkway and must be at least eight (8) feet above the ground immediately below it.

If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

- ~~b. Pedestrian Walkway Standards Specific to Design Districts – In addition to the pedestrian access standards of subsections (1) and (2)(a) of this section, the following standards may apply in certain Design Districts. See Chapter 110 KZC for additional sidewalk improvements that may apply.~~
- ~~1) In CBD, Major Pedestrian Sidewalks – If the subject property contains or abuts a major pedestrian sidewalk designated in Plate 34, Chapter 180 KZC, the applicant shall install that sidewalk on and/or abutting the subject property consistent with the following standards:~~
- ~~a) The major pedestrian sidewalk must be installed in the approximate location and make the connections shown in Plate 34.~~
- ~~b) The major pedestrian sidewalk must be paved with decorative concrete and have a minimum width of at least eight (8) feet, unless otherwise noted in Plate 34. If the required improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.~~
- ~~c) The major pedestrian sidewalk must have adequate lighting with increased illumination around building entrances and transit stops.~~
- ~~d) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.~~

**Pedestrian Walkway Along Building Facade** *(((editors note – move figure to follow section 105.18.2.c)))*

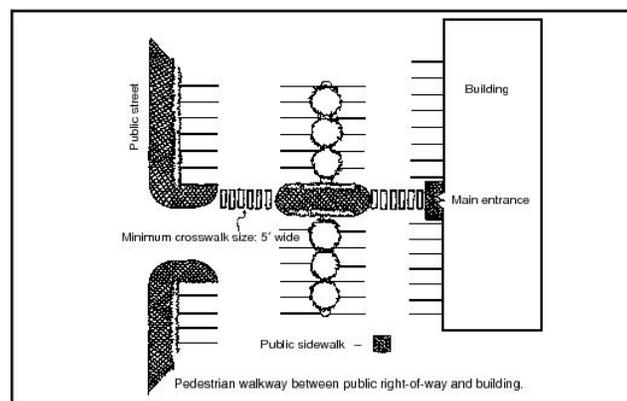


**FIGURE 105.18.A**

ed. Pedestrian Walkways Through Parking Areas and Parking Garage Standards – The applicant shall install pedestrian walkways through parking areas and parking garages pursuant to the following standards (see Figure 105.18.B):

- 1) Must be installed pursuant to the standards described in subsection (32)(a) of this section;
- 2) Walkway shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way;
- 3) Must connect from the parking spaces to the pedestrian entrance of the building served by the parking.

### **Pedestrian Access From Street or Pedestrian Walkway to Building Entrance**

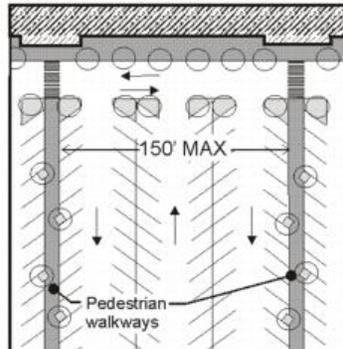


**FIGURE 105.18.B**

- 4) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location (see Figure 105.18.C). At a minimum,

walkways must be provided for every three (3) driving aisles or at a distance of not more than 150-foot intervals, whichever is less and meet the standards of subsection (32)(a) of this section.

Pathways must be provided through parking areas.



**FIGURE 105.18.C**

~~d. Overhead Weather Protection Standards – The applicant shall install overhead pedestrian weather protection pursuant to the following standards:~~

- ~~1) May be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features;~~
- ~~2) Must cover at least five (5) feet of the width of the adjacent walkway;~~
- ~~3) Must be at least eight (8) feet above the ground immediately below it; and~~

~~e. If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.~~

### 105.19 Public Pedestrian Walkways

1. Public Pedestrian Walkways - Location – In addition to the pedestrian walkways required in KZC 105.18, the City may require the applicant to install additional public pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:
  - a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or

- b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or to transit; or
  - c. A through-block pedestrian pathway where specifically required in Design Districts may be required on properties if blocks are unusually long; or
  - d. A through-block pedestrian pathway if blocks are unusually long; or
  - e. Pedestrian access is necessary may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; ~~and~~
2. Required Improvements Standards—General – The applicant shall install public pedestrian walkways pursuant to the following standards; ~~except for Design Districts listed in subsections (3) and (4) of this section (see Figure 105.19.A):~~
- a. General:
    - 1) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
    - 2) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;
    - 3) The height of solid (blocking visibility) fences along a pedestrian walkway that is not directly adjacent to a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;
    - 4) All new building structures shall be set back a minimum of five (5) feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way;
    - 5) The alignment of walkways shall consider the location of proposed and existing buildings (preferably located along building fronts or property lines);
    - 6) The area developed as public pedestrian walkways will not be included with other impervious surfaces for lot coverage calculations;
    - 7) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.
    - 8) Overhead weather protection shall be installed consistent with KZC 105.18.3.
- b.3- Through-Block Pathway Standards – General – If a through-block pathway is designated to be installed on the subject property, ~~the applicant~~ shall be installed a through-block pathway pursuant to the following standards. See

subsection (c) of this section for standards within specified, ~~except for Design Districts listed in subsection (4) of this section:~~

- ~~1)a-~~ A minimum unobstructed pavement width of eight (8) feet, paved with decorative concrete. A minimum of five (5) feet may be approved for residential uses.
- ~~2)b-~~ Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area (see Figure 105.19.A). Exceptions:
  - ~~a1)~~ To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to primary building entries; however, no less than one (1) tree per 60 lineal feet of the required pathway shall be provided.
  - ~~b2)~~ The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.
- ~~3)e-~~ Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.
- ~~4)d-~~ Barriers that will limit pedestrian access between the subject property and adjacent properties are not permitted.
- ~~5)e-~~ The through-block pathway may be retained within dedicated rights-of-way, tracts, or easements at the City's option. The width of the pathway right-of-way, tract, or easement will be determined by the Planning Official.
- ~~6)f-~~ If subject to Design Review the City will specifically review and approve the material and configuration of all through-block pathways as part of the Design Review decision.

~~c.4.~~ Through-Block Pathway Standards Specific~~Unique~~ to Certain Design Districts

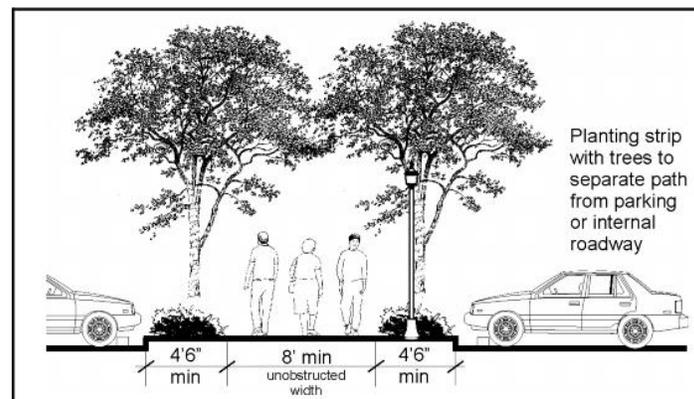
- ~~1)a-~~ In JBD 1 – See Use Zone Chart KZC 52.10 for location of through-block pathways in JBD 1. Through-block pathways adjacent to the front of buildings must be 10 feet wide with a 6-inch vertical curb, and paved with concrete or unit pavers. Pathways that are not adjacent to the front of buildings must have a minimum width of eight (8) feet and differentiated with texture or material from adjacent driveway and parking area pavement unless otherwise determined through Design Review.
- ~~2)b-~~ In TL 2 – See Use Zone Chart KZC 55.19 for location of through-block pathways in TL 2. The minimum width, curb specifications and paving materials for through-block pathways shall be established through the Conceptual Master Plan review. Through-block pathways must have

adequate lighting, with increased illumination around building entrances and at street crossings.

3)e. In TL 5 – See Use Zone Chart KZC 55.37 for location of through-block pathways in TL 5. See subsection (b3) of this section for development standards.

4)d. In TL 6B – See Use Zone Chart Section 55.43 for location of through-block pathways in TL 6B. See subsection (b3) of this section for development standards.

### Through-Block Pathway



**FIGURE 105.19.A**

### 105.103 Modifications

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified.
2. Authority to Grant and Duration
  - a. If the proposed development of the subject property requires approval through Process I, IIA, or IIB, described in Chapters 145, 150 and 152 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed below in subsection (3) of this section. If granted under Process I, IIA, or IIB, the modification is binding on the City for all development permits issued for that development under the Building Code within five (5) years of the granting of the modification.
  - b. For projects requiring Design Review described in Chapter 142 KZC, a request to modify the requirements in KZC 105.18 or [KZC 105.19, Pedestrian Access](#), will be considered as part of the Design Review process.

The Design Review Board must find that the applicant meets the criteria listed below in subsection (3)(b) of this section.

- c. If subsection (2)(a) and/or (2)(b) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
3. Modifications – ~~The Planning Official may require or grant a~~ modification to improvement requirements of this chapter may be required or granted if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
  - b. For a modification to KZC 105.18 or KZC 105.19 the requirements for pedestrian access may be modified if:
    - 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
    - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
    - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

## Chapter 115 – Miscellaneous Use, Development and Performance Standards

### 115.07.4 – Accessory Dwelling Units

One (1) accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – *(No change)*.
2. Owner Occupancy – *(No change)*.
3. Subdivision – *(No change)*.
4. Scale –

a. Attached ADU: The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU.

b. Detached ~~accessory dwelling units~~ADU:

- 1) An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

- a) It does not share a common roof structure with the principal unit.
  - b) It is not integrated into the footprint of the principal unit.
  - c) The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
- 2) The square footage of the detached ADU shall not exceed the lesser of 800 square feet of gross floor area or 40 percent of the primary residence and accessory unit combined. Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU. When calculating the square footage of the ADU see KZC 5.10.340, definition of "gross floor area". The gross floor area shall not include: area with less than five (5) 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"), An accessory dwelling unit will be considered to be "detached" from the principal unit if it has any of the following characteristics: 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 115.08 for additional size and height limitations. An accessory dwelling unit will be considered to be "detached from the principal unit if it has any of the following characteristics:
- a. ~~It does not share a common roof structure with the principal unit.~~
  - b. ~~It is not integrated into the footprint of the principal unit.~~
  - c. ~~The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.~~
- a) Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
  - b) eCovered 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 115.08 for additional size and height limitations.

### 115.23 Common Recreational Space Requirements for Certain Residential Uses

1. General – Residential developments identified herein by zone and use listing shall comply with the common recreational space requirements of this section:
  - a. RM and RMA Zones: "Detached, Attached, or Stacked Dwelling Units," KZC 20.10.020;

- b. PR and PRA Zones: "Detached, Attached or Stacked Dwelling Units," KZC 25.10.020;
- c.-t. *(No Change)*

## Chapter 117 – Personal Wireless Service Facilities

### 117.15 Definitions

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter [5](#) KZC:

1. "Antenna" shall mean any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, building or other structure for the purpose of providing personal wireless services and its attendant base station. Types of antennas include:
  - a. An "omni-directional antenna" receives and transmits radio frequency signals in a 360-degree radial pattern;
  - b. A "whip antenna" is an omni-directional antenna that is up to 15 feet in height and up to four (4) inches in diameter; and
  - c. A "directional or panel antenna" receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees.
2. "Antenna height" shall mean the vertical distance measured from average building elevation to the highest point of the antenna, or if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna. For replacement structures, antenna height is measured from the top of the existing structure to the highest point of the antenna or new structure, whichever is greater.
3. "Approved antenna or tower" shall mean any personal wireless service facility (PWSF) that has received all required permits for the installation, maintenance, and reconfiguration of the facility.
43. "Cell site" shall mean a tract or parcel of land or building that contains the PWSF including any antenna, antenna support structure, accessory buildings, and associated parking, and may include other uses associated with and ancillary to personal wireless services.
54. "Co-location" shall mean the use or placement of PWSF on a tower by two (2) or more personal wireless service providers or by one (1) personal wireless service provider for more than one (1) type of communication technology.

[65.](#) "Conductor" means a material or object designed and used to conduct heat, electricity, light, or sound, and contains electrical charges that are relatively free to move through the material. The term "conductor" does not include "insulator" or any connecting or support device.

[76.](#) "Equipment structure" shall mean a facility, shelter, cabinet or vault used to house and protect electronic or other associated equipment necessary for processing wireless communications signals. "Associated equipment" may include, for example, air conditioning, backup power supplies and emergency generators.

[87.](#) "Existing structure" shall mean, but is not limited to, any existing building, utility pole, water reservoir, other support structure, and structures accessory thereto.

[98.](#) "Insulator" means a material in a unit form designed and used so as to support a charged conductor and electrically isolate it.

[109.](#) "Nonresidential" or "nonresidential zone" shall mean (1) all portions of the City (including rights-of-way adjacent thereto, measured to the centerline of the right-of-way) in an area not zoned residential as defined in this chapter, or (2) the I-405 or SR 520 right-of-way.

[1140.](#) "Other support structure" shall mean a structure used to support PWSF or equipment structures, excluding buildings, utility poles, and water reservoirs. Examples of "other support structure" include flagpoles and ballfield light standards.

[1244.](#) "Personal wireless services" and "personal wireless service facilities (PWSF)," as used in this chapter, shall be defined in the same manner as in Title 47, United States Code, Chapter 5, Subchapter III, Part I, Section 332(c)(7)(C), as they may be amended now or in the future.

[1342.](#) "Replacement structure" shall mean a structure that replaces or is intended to replace an existing structure of a similar design and similar primary purpose, to enable the installation of new or additional PWSF on that structure. If a "replacement structure" meets the definition of "tower," it shall be regulated as a new tower.

[1443.](#) "Residential zone," for the purpose of this chapter, shall be as defined in KZC [5.10.785](#), together with the PLA1 and P zones; and rights-of-way adjacent to each of the aforementioned zones, measured to the centerline of the right-of-way.

[1544.](#) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including any antenna support structure, self-supporting lattice towers or monopole towers. A "tower" shall not include a replacement utility pole as authorized by KZC [117.65\(6\)](#).

[1645.](#) "Utility pole" shall mean a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

## 117.20 Applicability

1. New Antennas and Towers – All new antennas and towers shall comply with this chapter unless the applicant had a vested application to site said PWSF under a prior version of this chapter, or unless specifically exempted by KZC 117.25.
2. Approved Antennas and Towers - Reconfiguration of or additions to an approved antenna or tower is permitted as noted in this chapter. Reconfiguration of or additions to an antenna or tower that was not approved are not allowed unless the entire facility obtains approval as a new facility through the appropriate review process.

### 2.3 Existing Antennas and Towers

- a. The usage of existing antennas and towers shall be allowed to continue as they exist as of the effective date of this chapter. Routine maintenance and reconfiguration of antennas shall be permitted on such existing antennas and towers, subject to the limitations below.
- b. Any reconfiguration pursuant to subsection (~~23~~) (a) of this section that increases the height or number of antennas shall be treated and processed as a new facility.
- c. Existing antennas that conform to the provisions of this chapter may be replaced by new antennas, if such new antennas are approved as a minor modification pursuant to KZC 117.105.
- d. The replacement of existing antennas that do not conform to the provisions of this chapter shall be treated and processed as a new facility.
- e. The replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.

### 34. Equipment Structures

- a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.
- b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC 117.105.
- c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.

~~d. Reconfiguration of or additions to a non-approved antenna or tower are not permitted, unless the entire facility obtains approval as a new facility through the appropriate review process.~~

45. Other Wireless Communication Facilities – All of the provisions of this chapter, which address personal wireless services and PWSF, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television, satellite radio, global positioning systems (GPS), and AM/FM radio towers) to the maximum extent allowed by law.

### 117.40 Application Review Process

After the applicant has satisfied the pre-submittal meeting requirements of KZC [117.45](#), an application to site a PWSF shall be processed according to the table below. This table does not include all requirements for PWSF. Additional requirements and standards affecting design and location of PWSF can be found in KZC [117.65](#) (PWSF Standards), [117.70](#) (Equipment Structure Standards), and [117.75](#) (Screening).

Review Process	Facility Type <sup>1</sup>
1. Planning Official Decision (Planning Official issues decision.)	a) Co-location of antennas on existing towers in nonresidential zones. b) Attachment of antennas to existing buildings or mechanical equipment enclosures in a nonresidential zone. See KZC <a href="#">117.65(7)</a> . c) Attachment of antennas to existing water reservoirs, utility poles, or other support structures in any zone. <sup>2</sup> See KZC <a href="#">117.65(6)</a> and (7). d) Attachment of antennas to replacement utility poles in any zone, where the diameter of the replacement pole will not exceed 18 inches or increase the diameter of the existing pole by more than 50 percent, whichever is less. <sup>2</sup> See KZC <a href="#">117.65(6)</a> . <sup>2</sup> e) Attachment of antennas to existing buildings within a public park, regardless of zone, if approved by the Park Board.
2. Process I Permit (Planning Director decision following public notice and comment, per Chapter <a href="#">145</a> KZC.)	a) Co-location of antennas on existing towers in residential zones, not resulting in any increase to tower height. b) New towers in nonresidential zones, not exceeding 40 feet in height. <sup>4</sup> c) Attachment of antennas to replacement utility poles in any zone, where the diameter of the replacement pole will not exceed 24 inches or increase the diameter of the existing pole by more than 100 percent, whichever is less. <sup>2</sup> See KZC <a href="#">117.65(6)</a> . <sup>2</sup> d) Attachment of antennas to nonresidential buildings, such as schools or churches, in residential zones, except when located in a public park. <sup>3</sup> See KZC <a href="#">117.65(7)</a> .
3. Process IIA Permit (Hearing Examiner holds public hearing and issues	a) New towers in nonresidential zones, exceeding 40 feet in height. <sup>4</sup> b) Attachment of antennas to replacement utility poles in any

<p>decision, per Chapter <a href="#">150</a> KZC.)</p>	<p>zone, where the diameter of the replacement pole will exceed the diameter of the existing pole by more than 100 percent, or 24 inches, whichever is less. <a href="#">See KZC 117.65.(6).</a><sup>2</sup> c) Attachment of antennas to multifamily residential buildings in residential zones.<sup>3</sup></p>
<p>4. Process IIB Permit (Hearing Examiner holds public hearing, City Council issues decision, per Chapter <a href="#">152</a> KZC.)</p>	<p>a) Co-location of antennas on existing towers in residential zones resulting in an increase in tower height.<sup>3</sup> b) New towers in residential zones, not exceeding 40 feet in height.<sup>3, 4</sup> c) Departures from standards contained in this chapter, subject to the limitations of KZC <a href="#">117.80</a>. d) Any facility that does not qualify for review as a Planning Official Decision, Process I permit, or Process IIA permit as listed above.<sup>3</sup></p>

Footnotes:

- 1 Although this table specifically addresses antennas and towers, it is presumed that for each facility there will be associated equipment structures, and there may be structural alterations to existing support structures. Such equipment structures and structural alterations shall be reviewed through the same process as the facility with which they are associated, subject to the limitations of KZC [117.20](#).
- 2 Attachment of antennas to existing water reservoirs or other support structures, or to existing or replacement utility poles, where such attachment results in a height increase to the original support structure, may be approved only once through the review process indicated. Any subsequent proposal that would result in a height increase shall be reviewed through Process IIB.
- 3 If in a residential zone, the applicant shall demonstrate that a diligent effort has been made to locate the proposed facility in a nonresidential zone, and that due to valid considerations including physical constraints or technological feasibility, no other location is available.
- 4 An application for a new tower shall not be approved unless the applicant demonstrates, to the satisfaction of the City, that an attempt was made to co-locate the proposed antenna on an existing structure, and that such attempt was spatially, structurally, or technically infeasible. New towers are prohibited on properties within jurisdiction of the Shoreline Management Act as set forth in Chapter [83](#) KZC.

117.65 PWSF Standards (*No change*)

117.70 Equipment [and Equipment](#) Structure Standards

1. Maximum Size in Residential Zones – Equipment structures shall not exceed five (5) feet in height. Equipment structure enclosures shall not exceed 125 square feet each. These limitations shall apply to each individual equipment structure and enclosure; provided, that equipment structures that are fully contained within a

- legally established building that houses or is accessory to a principal permitted use shall not be subject to these limitations.
2. Maximum Size in Nonresidential Zones – Gross floor area of equipment structures shall be the minimum necessary but not greater than 240 square feet per provider. Maximum height is 10 feet above average building elevation. These limitations shall not apply to equipment structures that are fully contained within a building that houses or is accessory to a principal permitted use and that satisfies the dimensional regulations of the underlying zone.
  3. Equipment Structures Located in Right-of-Way
    - a. If ground-mounted, equipment structures shall not exceed a height of 30 inches. If mounted on poles, said structures shall comply with subsection (6) of this section. Setback requirements do not apply to equipment structures located in the right-of-way.
    - b. Exception – The Planning Official may increase the 30-inch height limitation for ground-mounted equipment structures to a maximum of 66 inches, if:
      - 1) The height increase is required by the serving electrical utility; and
      - 2) No feasible alternative exists for reducing the height of the structure; and
      - 3) Concealment measures are employed; and
      - 4) The height increase will not adversely impact the neighborhood or the City.
  4. Setbacks When Located on Private Property – Ground-mounted equipment structures over 30 inches in height shall be set back at least 10 feet from all property lines; provided, that equipment structures that are fully contained within a legally established building that houses or is accessory to a principal permitted use shall not be subject to this requirement.
  5. Equipment Structures on or Above a Structure – Equipment structures on or above a structure shall be subject to the following criteria:
    - a. Equipment structure height is measured above the top of the roof, not the parapet.
    - b. When mounted to the roof of a building with a pitched or stepped roof form, roof-mounted equipment structures shall be incorporated into the stepped roof form, and not appear as a separate penthouse or box.
  6. Equipment ~~Structures~~ Mounted on Poles or Towers
    - a. Electronic and other associated Equipment ~~equipment structures~~ may be mounted on utility poles or towers. The location and vertical clearance of such structures shall be reviewed by the Public Works Department and verified by

the underlying utility owner to ensure that the structures will not pose a hazard to other users of the right-of-way.

b. ~~Electronic and other associated E~~equipment ~~structures~~ mounted on utility poles or towers shall be located in a manner that minimizes clutter and visual impact.

c. ~~Electronic and other associated equipment mounted on utility poles or towers shall be of a similar color to that of the pole or tower to which it is attached, unless alternative measures are approved by the City as part of the applicable review process.~~

7. Compatibility – Equipment structures shall be designed to be compatible with the surrounding area in which they are located. For example, in a residential area, a sloped roof or wood siding may be required.

8. Concealment – One (1) or more of the following concealment measures must be employed unless the City determines through the applicable review process that alternative measures would be more appropriate given the contextual setting of the equipment or equipment structure:

a. Locating within a building or building appendage constructed in accordance with all applicable City codes;

b. Locating on top of a building, with architecturally compatible screening;

c. Locating underground; or

d. Locating above ground with a solid fence and landscaping subject to the limitations of KZC [117.75](#)(3); ~~or~~

~~e. If mounted on a utility pole or tower, the equipment structure shall be of a similar color to that of the pole or tower to which it is attached, unless alternative measures are approved by the City as part of the applicable review process.~~

9. Noise Standards – Equipment structures shall be oriented so that exhaust ports or outlets are pointed away from properties that may be impacted by noise. The installation and operation of equipment structures shall comply with noise regulations in KZC [115.95](#). The City may require an assessment of noise after operation begins and remediation if the noise levels created are not within the prescribed limits. Cumulative noise impacts will be measured in cases where there is more than one (1) equipment structure.

117.75 Screening (*No change*)

117.80 Departures from Chapter Provisions (*No change*)

117.85 Nonuse/Abandonment (*no change*)

117.90 Removal from City Property – When Required (*no change*)

117.95 Appeals and Judicial Review (*no change*)

117.100 Lapse of Approval (*no change*)

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of ~~an all prior approvals granted under this chapter~~ in order to do everything authorized by that approval.
2. Exception – Subsequent or Minor Modification – The Planning Official may approve a modification to the permit approved for the PWSF if:
  - a. The modification is minor and will not substantially change the proposed facility; and
  - b. The proposed modification will comply with the provisions of this chapter in effect at the time of the modification request; and
  - c. There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new PWSF approval under this chapter.

## Chapter 142 – Design Review

142.40 Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:
  - a. (*No change*)
  - b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard according to the Process I appeal procedures and provisions in Chapter 145.60 KZC and judicial review procedures and provisions in Chapter 145.110 KZC.

Only those issues under the authority of the Design Review Board as established by KZC 142.35(3) and (4) are subject to appeal.

## Chapter 150 – Process IIA

### 150.15 Applications

1. Who May Apply – *(No change)*.
2. How To Apply – The applicant shall file the following information with the Planning Department:
  - a. A completed application, with supporting affidavits, on forms provided by the Planning Department.
  - ~~b. Public notice materials, including:
    - 1) Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property; the labels must be no more than six (6) months old.
    2. Address labels marked “resident” or “tenant” for all addresses located:
      - a) On the subject property, and
      - b) Adjoining the subject property.
    3. A copy of the King County Assessor’s Map identifying the properties specified in subsections (2)(b)(1) and (2)(b)(2) of this section.  
  
— Provided, that if the notice of application distributed pursuant to KZC 150.22(2)(a)(1) and (2)(a)(2) will be provided in summary form, the above public notice materials are not required of the applicant.~~
  - e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.
  - ~~d.~~ Any information or material that is specified in the provision of this code that describes the applied for decision.
  - ~~c.~~ Any additional information or material that the Planning Official specified at the pre-submittal meeting.
  - ~~f.~~ Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

## Chapter 152 – Process IIB

## 152.15 Applications

1. Who May Apply – *(No change)*.
- 2 How To Apply – The applicant shall file the following information with the Planning Department:
  - a. A completed application, with supporting affidavits, on forms provided by the Planning Department.
  - ~~b. Public notice materials, including:
    - ~~1) Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property; the labels must be no more than six (6) months old.~~
    - ~~2) Address labels marked "resident" or "tenant" for all addresses located:
      - ~~a) On the subject property, and~~
      - ~~b) Adjoining the subject property.~~~~
    - ~~3) A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b)(1) and (2)(b)(2) of this section.~~~~

~~— Provided, that if the notice of application distributed pursuant to KZC 152.22(2)(a)(1) and (2)(a)(2) will be provided in summary form, the above public notice materials are not required of the applicant.~~
  - c. ~~A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.~~
  - d.b Any information or material that is specified in the provision of this code that describes the applied for decision.
  - e.c Any additional information or material that the Planning Official specified at the pre-submittal meeting.
  - f.d Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

Section 49.15



USE ZONE CHART

O-4320  
Attachment A

or at the North  
Kirkland  
Community Center

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 49.15	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						
.020	Public Utility	None	None	Will be determined on case-by-case basis.			--	--	See KZC 105.25.	1. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA. 2. 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.		
.030	Government Facility Community Facility	See Special Regulation 1.										

Section 50.35

Zone  
CBD-5

USE ZONE CHART

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						
.070	Office Use	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	67' above average building elevation.	D See Spec. Reg. 3.	B ↑ D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>The following regulations apply to veterinary office only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> <li>Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.</li> </ol>
.080	Church								D See Spec. Reg. 2.		One per every four people based on maximum occupancy of any area of worship.	<ol style="list-style-type: none"> <li>No parking is required for daycare or school ancillary to the use.</li> <li>Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.</li> </ol>
.090	School, Day-Care Center, or Mini-School or Day-Care Center								D		See KZC 105.25.	<ol style="list-style-type: none"> <li>A six-foot-high fence is required along all property lines adjacent to outside play areas.</li> <li>Structured play areas must be set back from all property lines by at least five feet.</li> <li>Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>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.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

(Revised 4/11)

Section 53.74  USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.74	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						
.080	Development Containing Stacked Dwelling Units and one or more of the following uses:  Retail uses including Banking and Other Financial Services, Restaurants or Taverns  See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>Development may also include other uses allowed in this zone.</li> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</li> </ol> </li> <li>The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities.</li> <li>At least 10 percent of the units in new residential developments of <del>40</del> units or greater shall be affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</li> </ol>
.090	Church		None				30' above average building elevation.		B	1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to the use.</li> </ol>	

PUBLICATION SUMMARY  
OF ORDINANCE O-4320

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 20 – RM AND RMA ZONES; CHAPTER 48 – LIT ZONES; CHAPTER 49 – P ZONES; CHAPTER 50 – CBD 5 ZONE; CHAPTER 52 – JBD ZONES; CHAPTER 53 – RHBD 7 ZONE; CHAPTER 55 - TL ZONES; CHAPTER 90 – DRAINAGE BASINS; CHAPTER 100 – SIGNS; CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115 – MISCELLANEOUS STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 142 – DESIGN REVIEW; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION , FILE NO. ZON11-00020.

SECTION 1. Identifies the specific amendments to the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Provides that the effective date of the Ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

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 January 1, 2012, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

\_\_\_\_\_  
City Clerk

ORDINANCE O-4321

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING TITLE 19.16 OF THE KIRKLAND MUNICIPAL CODE RELATING TO VACATIONS OF STREETS AND ACCESS EASEMENTS, FILE NO. ZON11-00020

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 recommendations of the Planning Director;

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

Section 1. Municipal Code Text Amended: The specific portions of the sections of the text of the Kirkland Municipal Code are amended to read as set forth in Attachment A attached to this Ordinance and incorporated herein by this 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. This Ordinance shall be in full force and effect January 1, 2012, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in summary form attached to the original of this Ordinance and by this reference approved by the City Council as required by law.

Section 4: 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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. SIGNED IN AUTHENTICATION thereof this

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

**Kirkland Municipal Code**

**Chapter 19.16  
VACATIONS OF STREETS AND ACCESS EASEMENTS**

**19.16.040 Petition for vacation brought by abutting property owners.**

(1) The owners of an interest in any real estate abutting upon any street or alley, or underlying any public easement governed by this chapter, may petition the city council for vacation of the subject property.

(2) The applicant shall apply for a vacation by submitting the following:

(a) A vacation petition with supporting affidavits on forms provided by the department of planning and community development ("planning department");

(b) A legal description of the area to be vacated prepared by a licensed surveyor;

(c) For each petitioner a title report indicating ownership and providing a legal description of the property owned by the petitioner;

~~(d) Five paper copies of a site map showing the subject property and showing all properties within three hundred feet of any portion of the subject property. The site maps shall be at a scale of one inch equals one hundred feet;~~

~~(e) An eight and one-half inch by eleven inch clear plastic transparency of the site map;~~

~~(f) Address labels containing the names and addresses of the owners of all property within three hundred feet of any boundary of the subject property;~~

~~(g) A copy of the King County assessor's map identifying the properties specified in subsection (f) of this section;~~

~~(h)~~ (d) The vacation application fee as established by ordinance;

~~(i)~~ (e) A signed agreement to pay the cost of an appraisal as provided for in Section [19.16.170](#); and

~~(j)~~ (f) Any additional information or material that the director of the planning department determines is reasonably necessary for the city council to consider the requested vacation.

(3) The petition shall be filed with the planning department, and the petition shall be signed by the owners of more than two-thirds of the property abutting on the street or alley (based on front footage), or underlying the public easement (based on square footage). (Ord. 3803 § 2 (part), 2001)

**19.16.050 Council resolution for vacation. (No change)**

**19.16.060 Date of public hearing. (No change)**

**19.16.070 Vacations of streets and access easements—Public notification of hearing.**

(1) Content. The director of the planning department shall prepare a public notice containing the following information:

(a) A statement that a request to vacate the subject property will be considered by the city council;

- (b) A statement of the time and place of the public hearing before the city council;
- (c) A location description in non-legal language along with a vicinity map that identifies the subject property proposed to be vacated;
- (d) A statement that the vacation file is available for viewing at Kirkland City Hall; and
- (e) A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.

(2) Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the director of the planning department shall distribute the public notice as follows:

- (a) A copy will be sent, by mail, to the owner of each piece of property within three hundred feet of any boundary of the subject property;
- (b) A copy will be sent, by mail, to each resident living immediately adjacent to or on the subject property;
- (c) A copy will be published in the official newspaper of the city, except no vicinity map shall be required;
- (d) At least two copies will be posted in conspicuous public places in the city;
- (e) A copy will be posted on the subject property in the manner set out in subsection (3) of this section.

(3) Public Notice Sign. The applicant shall provide for and erect public notice signs at least twenty calendar days before the public hearing as follows:

- (a) The sign shall be designed and constructed to city standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.
- (b) The planning department is authorized to develop the standards for the public notice signs necessary for implementation of this section.
- (c) One sign shall be erected on the subject property. The planning department may require that additional signs be erected on or near the subject property and placed so that the signs are conspicuously visible from an improved public right-of-way not subject to the vacation request. The department of planning and community development shall approve the location of each sign.
- ~~(d) The applicant shall post a deposit to ensure proper maintenance and removal of the signs.~~

PUBLICATION SUMMARY  
OF ORDINANCE O-4321

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING TITLE 19.16 OF THE KIRKLAND MUNICIPAL CODE RELATING TO VACATIONS OF STREETS AND ACCESS EASEMENTS, FILE NO. ZON11-00020

SECTION 1. Identifies the specific amendments to the Kirkland Municipal Code.

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City Clerk