CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric R. Shields, AICP, Planning Director
Lauri Anderson, AICP, Consultant

Date: November 28, 2007

Subject: MISCELLANEOUS ZONING AND MUNICIPAL CODE AMENDMENTS, FILE NO. ZON06-00033

RECOMMENDATION

- Adopt two ordinances–one for the Zoning Code and one for the Municipal Code–reflecting the recommendations from the Planning Commission regarding the Miscellaneous Zoning and Municipal Code Amendments project, File No. ZON06-00033.

- Provide direction to staff regarding an additional fee for reviewing height calculations.

BACKGROUND DISCUSSION

Each year, the Planning Department presents to the Planning Commission a packet of "miscellaneous" Code amendments for their review and recommendation to the City Council. These amendments come from a variety of sources: an ongoing list of code issues maintained by staff, code interpretations, requests from the public, and requests from the City Council.

This year's package includes amendments to the Zoning Code and the Municipal Code, including the Subdivision Ordinance. While many of the amendments would correct or clarify existing Zoning Code language, others raise more significant policy issues. In the ongoing effort to streamline City Council packets and avoid redundancy, most of the background information on the amendments is found in the Planning Commission meeting packets. Links to these packets are provided later in this memo.

Highlights from this year's Code amendment package include:

- revise method for calculating building height;
- revise garage setbacks requirements for detached dwelling units in low density residential zones;

- reduce side yards for detached dwelling units in commercial and multifamily zones to accommodate smaller lot sizes;
- provide zero lot line opportunities for attached dwelling units in multifamily zones;
- eliminate fast food restaurant use listings and, instead, add standards to restaurant use listings regarding drive-in and drive-through facilities;
- clarify requirements for minimum commercial uses on the ground-floor of buildings in some mixed-use commercial zoning districts;
- modify height and setbacks for a portion of the CBD4 zone to update transition standards between high density and low density uses;
- eliminate requirement for ground floor retail uses in a portion of the TL8 zone;
- allow medium density detached dwelling units in a portion of the PLA6G zone;
- allow rental services in the LIT zone;
- identify prohibited plants for the City;
- provide noise exceptions for emergency generators;
- adjust review processes for Personal Wireless Service Facilities in public parks and on multifamily residential buildings, and allow antennas on top of the Seattle City Light transmission towers;
- revise oversize vehicle regulations;
- amend rezone process to better distinguish between legislative and quasi-judicial rezones; and
- create process to make minor modifications to recorded short plats.

The Planning Commission held two study sessions (July 26 and September 13, 2007) and a public hearing (October 25, 2007) on the proposed amendments. To review the meeting packets, which provide detailed information on each of the changes, please see http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission.htm. The minutes and audio-recordings of the meetings are available at http://www.ci.kirkland.wa.us/depart/Planning/Planning_Commission/Planning_Commission_Meetings_Online.htm.

The Houghton Community Council held a courtesy hearing on the amendments within their jurisdiction on September 24, 2007. Their meeting packet can be found at http://www.ci.kirkland.wa.us/depart/Planning/Houghton_Community_Council_Meeting_Information.htm and the minutes and audio-recordings of their meeting can be reviewed at http://kirkland.granicus.com/ViewPublisher.php?view_id=16. The recommendations from the Houghton Community Council are described in detail in the Planning Commission's October 25 meeting packet and were discussed at the Planning Commission's public hearing.

The Planning Commission's recommendation memo is included as Exhibit 1. The memo discusses the most significant amendments from the Planning Commission's perspective.

While the Planning Commission agreed with the Houghton Community Council's recommendations for several items, their recommendations for four items differ: Prohibited Vegetation (Zoning Code Section 95.52); Garage Requirements (Section 5.10.326.5, changes to multiple zoning districts, and Section 115.43); Vehicle Size in Residential Zones (Section 115.150); and the Personal Wireless Service Facilities (PWSF) Review Process for buildings in public parks (Section 117.40). The Planning Commission endorses these amendments as written; the Houghton Community Council does not. The Planning Commission recommendation does include an exception in the Garage Requirements section stating that the rules do not apply within the disapproval jurisdiction of the Houghton Community Council.

Five members of the public spoke at the public hearing. Two speakers were property-owners supporting the changes they had suggested for the CBD4 (Zoning Code Sections 50.30.2 and 50.30.5) and TL8 (Section 55.55.2) zones. One person spoke in support of more stringent controls on the parking of oversize vehicles (Section 115.150). Another spoke in support of the proposed prohibited vegetation rules (Section 95.52).

The final speaker endorsed allowing the use of two Average Building Elevation (ABE) calculations—either the existing calculation or the new simplified version under consideration (Sections 5.10.045, 115.59 and Chapter 180). This speaker also addressed the proposed new garage setback requirements (Sections 5.10.326.5 and 115.43, and changes to multiple zoning districts). He felt that the 8' garage setback requirement was arbitrary (requesting 7' instead) and that the garage setback deviation opportunity should be provided in all cases—not just cases where some aspect of the lot or terrain made the proposed standards difficult to comply with. The Planning Commission did not share this last point of view.

State Environmental Policy Act (SEPA) review was completed for the amendment package on October 25, 2007. An Addendum to the 2004 Comprehensive Plan was prepared. All SEPA materials are available in the official file, ZON06-00033, and copies are attached (see Exhibit 2).

ADDITIONAL INFORMATION

Planning, Building and Public Works staff have been working with a consultant, Kurt Latimore, to review the single-family permit process. One of his recommendations is that the Average Building Elevation (ABE) calculations be simplified to assist permit applicants and to reduce staff review time. Both the Planning Commission and Houghton Community Council are recommending that permit applicants be allowed to choose between either the existing ABE calculation or the new simplified calculation included with these amendments for their permit submittals.

Planning staff would like to recommend that if the opportunity to use the more complicated existing ABE calculation is retained, an additional permit fee be assessed to address the extra costs of increased staff review time.

Enclosures

Exhibit 1: Planning Commission Recommendation Transmittal Memo
Exhibit 2: Environmental Review Documents
Ordinance – Zoning Code, and Publication Summary
Ordinance – Municipal Code, and Publication Summary

EXHIBIT 1

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kirkland City Council

From: Kirkland Planning Commission Chair, Karen Tennyson

Date: November 28, 2007

Subject: PLANNING COMMISSION RECOMMENDATION ON MISCELLANEOUS ZONING AND MUNICIPAL CODE AMENDMENTS, FILE NO. ZON06-00033

On behalf of the Planning Commission, I am pleased to forward to the City Council for your consideration a package of amendments to the Kirkland Zoning and Municipal Codes. The amendments cover a wide range of topics, from fairly simple language changes to ensure internal code consistency, to more complex issues such as average building elevation calculations, requirements for commercial uses on the ground-floor of buildings in mixed use commercial centers, and requirements for garage setbacks in low-density residential zones.

The Planning Commission held a public hearing on the proposed amendments on October 25, 2007. At that time, we also considered recommendations from the Houghton Community Council. Most of the proposed amendments generated little, if any, public comment or controversy. Our discussion focused on the following ten topics (placed in order as they appear in the proposed Zoning Code ordinance):

1. Average Building Elevation Calculation (changes to Section 5.10.045, Section 115.59, and Chapter 180–Plates). These amendments offer a new, simplified technique to calculate average building elevation—the basis for measuring height limits within the City. The public and the Houghton Community Council recommended retaining the ability to use either the existing or the new calculation for permit submittals, based on the preference of the building permit applicant. The Planning Commission supports simplification of the calculation, but is comfortable using this dual approach.

2. Restaurant and Fast Food Restaurant Uses (changes to Section 5.10.305 and Section 5.10.790, and changes to multiple zoning districts). This proposal eliminates the fast food restaurant definition and use listings, and, instead, focuses on whether drive-in or drive-through facilities are permitted for restaurant uses. The proposed amendments retain current restrictions on drive-in or drive-through facilities. In zones where drive-in and drive-through facilities are already permitted,

requirements have been standardized to include outdoor waste receptacle provision and Public Works review to prevent automobile stacking onto the street.

3. Garage Setback Requirements (the addition of Section 5.10.326.5, changes to multiple zoning districts and revisions to Section 115.43). These amendments completely rewrite the standards regarding setting the garage back from the main façade of a detached dwelling unit in the City's low-density residential zones. The new rules add requirements that a single-family residence must access off of an open alley, if available; that the front yard setback for a garage be 8' greater than the front yard setback for the remainder of the residence; and that the garage width not exceed 50% of the total width of the front façade of the residence. The new standards specifically exempt houses on flag lots and those with below-grade garages from compliance. They also provide for deviation from the requirements, when necessary because of unique site conditions. The Houghton Community Council does not support these amendments for their jurisdiction, and the Planning Commission is recommending that an exemption for the Houghton area be written into the ordinance.

4. Ground-Floor Use Requirements in Commercial Areas (changes to multiple zoning districts). The purpose of this proposal was to clarify the status of residential uses (such as lobbies) on the ground-floor of buildings in mixed-use zones, and to require a minimum percentage of commercial/office uses on the ground-floor of these buildings to preserve commercial opportunities. The amendments recommended by the Planning Commission clarify that residential lobbies are permitted on the ground-floor of buildings in the BC, BCX, BN, MSC2 and MSC3 zones, and add a corollary requirement that 75% of the floorspace on the ground-floor of buildings on a parcel be devoted to retail, restaurant, office, and/or hotel/motel uses.

5. Prohibited Plants (changes to Section 95.52). There was much discussion about this amendment, which would make it illegal to plant certain types of vegetation on property within the City. The Houghton Community Council does not support this amendment based on concerns about adequate enforcement; but some public support was voiced. We believe that such an amendment would aid City efforts to eradicate noxious vegetation, as well as support County and State efforts to do so, and are not recommending an exemption for the Houghton area. Planning staff has prepared a draft "Prohibited Plants List" for the City, which the Planning Commission has endorsed. This list can be found at http://www.ci.kirkland.wa.us/__shared/assets/ZONING_CODE_AMENDMENTS_ATTACH_46912.pdf (Attachment 4 to our October 25 meeting packet).

6. Noise Exceptions for Emergency Generators (changes to Section 115.95). The Planning Commission's recommendation allows exceptions for emergency generators (whether residential or commercial) during times when no electrical service is available from the primary supplier due to natural disaster or power outage.

7. Vehicle Size in Residential Zones (changes to Section 115.150). This amendment would limit the time period during which oversize vehicles (now proposed to specifically include boats and trailers) could park on a residential lot. The Planning Commission recommends a limitation of 24 hours within a 7-day period. Although the Houghton Community Council recommended that the hourly restriction remain at 48 hours within the 7-day period, the Planning Commission heard public testimony supporting greater restrictions. The Planning Commission also recommends placing a size limitation on boats in the front yard.

8. Personal Wireless Service Facilities Review Process (changes to Section 117.40). This amendment reduces the review process for attachment of antennas to existing buildings within parks to Planning Official decision, from Process I. While the Houghton Community Council does not support this amendment, the Planning Commission believes that the Parks and Planning Departments would work closely enough to address any concerns raised by a proposed project, including identification of the need for public involvement. The Planning Commission is not recommending an exception for the Houghton area.

9. Rezones (changes to all of Chapter 130). This change rewrites the rezone process chapter to address issues raised by recent court cases. At the suggestion of the Houghton Community Council, the Planning Commission has added a review criterion for quasi-judicial rezones that looks at compatibility with surrounding land uses.

10. Automotive Service Center and Auto Service and Repair Uses. Staff initially recommended that changes be made throughout the Zoning Code to bring consistency to treatment of these uses. Upon further reflection, staff recommends these amendments not be included at this time to enable a more comprehensive look at the topic. The Planning Commission concurs, and has not included these changes in our packet of recommended amendments.

At the conclusion of the public hearing, the Planning Commission gave staff direction on changes to the proposal that we determined were appropriate, and the amendments forwarded to you for City Council consideration reflect our direction. Therefore, we recommend that the City Council adopt the proposed amendments.

EXHIBIT 2

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of Miscellaneous Amendments to the Kirkland Zoning and Municipal Codes, pursuant to Chapter 160 KZC (Process IV).
Responsible Official	_____ **Eric R. Shields, AICP** **Planning Director**
Contact Person	Paul Stewart, Deputy Director, City of Kirkland (425) 587-3258 or Lauri Anderson, Planning Consultant, City of Kirkland (206) 525-5240.
Required Approvals	Adoption by Kirkland City Council. Approval by Houghton Community Council for amendments within its jurisdiction.
Location of Background Data	File ZON06-00033 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	_____10-25-2007_____

EXHIBIT 2

City of Kirkland

Process IV Miscellaneous Zoning and Municipal Code Amendments

EIS Addendum dated October 22, 2007

File No. ZON06-00033

I. Background

The City of Kirkland proposes to amend several provisions of the Kirkland Zoning Code (KZC) and Municipal Code, including the Subdivision Ordinance. These amendments will be reviewed under Process IV, pursuant to Chapter 160 KZC, with adoption by City Council and final approval by the Houghton Community Council as the amendments are within their jurisdiction.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Zoning Code and Municipal Code amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and –706).

The City published the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed miscellaneous Zoning and Municipal Code amendments discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *City of Kirkland 2004 Draft and*

Final Comprehensive Plan 10-year Update, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of zoning ordinances are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* and eventual action on the miscellaneous Zoning and Municipal Code amendments are "non-project actions".

IV. Environmental Analysis

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Zoning and Municipal Code amendments are similar in magnitude to the potential impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

V. Description of the Proposed Zoning and Municipal Code Amendments

The proposal would modify, add, and delete several provisions of the Zoning Code and Municipal Code (including the Subdivision Ordinance). The proposal will codify one existing Interpretation—I-06-3 (Structures and Improvements in Required Yards)—and eliminate another—I-04-2 (Calculation of Average Building Elevation—Use of Historic Grades).

In addition the following Zoning and Municipal Code chapters will be affected:

<u>Zoning Code</u>

Ch 1 – User Guide
Ch 5 – Definitions
Ch 10 – Legal Affect/Applicability

Ch 15 – Single-Family Residential (RS) Zones
Ch 17 – Single-Family Residential Annexation (RSX) Zones
Ch 20 – Multifamily Residential (RM) Zones
Ch 25 – Professional Office Residential (PR) Zones
Ch 27 – Professional Office (PO) Zones
Ch 30 – Waterfront District (WD) Zones
Ch 35 – Freeway Commercial (FC) Zones
Ch 40 – Neighborhood Business (BN) Zone
Ch 45 – Community Business (BC) Zones
Ch 47 – Community Business Annexation (BCX) Zones
Ch 48 – Light Industrial Technology (LIT) Zones
Ch 50 – Central Business District (CBD) Zones
Ch 52 – Juanita Business District (JBD) Zones
Ch 53 – Rose Hill Business District (RH) Zones
Ch 54 – North Rose Hill Business District (NRH) Zones
Ch 55 – Totem Lake (TL) Zones
Ch __ – Market Street Corridor (MSC) Zones
Ch 60 – Planned Areas (PLA) Zones
Ch 72 – Adult Activities Overlay Zone
Ch 75 – Historic Landmark Overlay Zone and Historic Residence Designation
Ch 80 – Equestrian Overlay Zone
Ch 95 – Tree Management and Required Landscaping
Ch 105 – Parking Areas, Vehicle and Pedestrian Access, and Related Improvements
Ch 115 – Miscellaneous Use Development and Performance Standards
Ch 117 – Personal Wireless Service Facilities
Ch 130 – Rezone Process
Ch 142 – Design Review
Ch 150 – Process IIA
Ch 160 – Process IV
Ch 161 – Process IVA
Ch 180 – Plates

Municipal Code

Title 19 – Streets and Sidewalks
Title 22 – Subdivisions

A summary of the proposed amendments is attached to this memo. As a result of the upcoming public hearing process, it is possible that some of the proposed amendments will not be adopted, and others may change slightly due to public input.

VI. Public Involvement

Study sessions were held with the Planning Commission on July 26 and October 13, 2007. A courtesy hearing was held with the Houghton Community Council on

September 24, 2007. The Planning Commission will hold a hold public hearing on October 25, 2007 and will forward a recommendation to the City Council. The City Council will consider the recommendation in December 2007 and may take final action on that date. Houghton Community Council action would follow for amendments within their jurisdiction. Public notice of the amendments and the public hearings has been provided in accordance with State law. All dates are subject to change.

In addition, notice has been provided to Kirkland neighborhood associations, the Kirkland Chamber of Commerce, and a "list serve" of development industry representatives. Information concerning the amendments also has been posted on the City's website.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed Miscellaneous Zoning and Municipal Code Amendments contained in File No. ZON06-00033. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachment: Summary of Proposed Amendments

EXHIBIT 2

City of Kirkland

Summary of Miscellaneous Zoning and Municipal Code Amendments

File No. ZON06-00033

ZONING CODE

Code Section(s)	**Purpose of Amendment**
1.10 and 95.52	Add new section to prohibit invasive plants in landscaping.
5.10.043, 47.10.020, 47.10.060, 52.12.020, 52.12.070, 52.17.020, 52.17.070, 52.27.050, 52.32.050, 52.42.040, 53.04, 53.06.020, 53.06.040, 53.12.030, 53.22, 53.24.020, 53.24.050, 53.32, 53.34.030, 53.34.050, 53.52, 53.54.020, 53.54.050, 53.72, 53.82, 53.74.020, 53.74.080, 53.84.040, 54.06.060, 54.06.070, 54.12.030 54.12.050 and MSC1-4	Eliminate automotive service center definition and replace with "Retail establishment providing vehicle service or repair," including development standards, as appropriate.
5.10.045 and 115.59	Amend average building elevation calculation to include partially above-grade walls that enclose interior space; eliminate use of historic grades and establish that existing elevation is used; and simplify calculation.
5.10.145, 5.10.595, and 5.10.960	Add MSC zones to appropriate definitional categories.
5.10.298, 5.10.299 and 117.15	Move common definitions from Chapter 117, Personal Wireless Service Facilities, to Chapter 5.
5.10.302 and 115.10	Revise family day-care home regulations consistent with current state law.
5.10.305, 5.10.790, 25.10.050, 27.10.020, 30.15.060, 35.30.020, 35.30.050, 40.10.060, 45.10.030, 45.10.040, 47.10.030, 47.10.040, 48.15.200, 50.12.010, 50.12.050, 50.27.040, 50.32.010, 50.37.010, 50.37.020, 50.42.020, 50.47.020, 50.47.030, 50.52.020, 52.12.040,	

52.12.050,	52.12.120,	52.17.040,
52.17.050,	52.27.020,	52.27.030
52.27.050,	52.32.020,	52.32.030,
52.42.010,	52.42.020,	53.06.030,
53.12.030,	53.24.030,	53.32,
53.34.010,	53.34.040,	53.54.040,
53.72,	53.74.010,	53.74.080,
53.82,	54.06.030,	54.06.040,
54.12.020,	54.30.030,	54.30.040,
55.21.010,	55.33,	55.39.010,
55.39.040,	55.45.030,	55.51.140,
55.51.190,	55.57.050,	55.69.030,
55.81.140,	55.87.140,	55.93.120,
60.172.070 and MSC1-4		

Eliminate fast food restaurant definition and amend "Restaurant" definition and requirements to address drive-in and drive-through facilities.

5.10.323 and 115.90

Exclude from lot coverage any easement that is not included in the calculation of lot area AND amend lot coverage exception for driveways as it should not apply to flag lots.

5.10.326.5, 15.10.010, 17.10.010, 30.25.010, 60.67.010, 60.77.010, 60.182.010 and 115.43

Revise garage setback requirements for detached dwelling units in low density zones

5.10.507 and 115.30

Clarify measurement of maximum horizontal façade when building is at an angle to property line or zone boundary.

10.25

Add MSC zones to adopted zoning categories.

15.08, 17.08, 30.25.030, 30.25.040, 60.65, 60.75 and 60.180

Clarify that general regulation regarding maximum horizontal façade applies when adjoining detached dwelling units in low density zones.

20.10.010,	25.10.010,	50.27.080,
50.32.110,	53.44.010,	60.22.010,
60.32.010,	60.42.010,	60.47.010,
60.52.010,	60.57.010,	60.62.010,
60.72.010,	60.82.010,	60.92.010,
60.97.010,	60.102.010,	60.107.010,

60.112.010, 60.132.020, 60.177.010 and MSC 1, 4	Allow detached dwelling units in multifamily and commercial zones to have a minimum side yard of 5'.
20.10.020, 25.10.020, 53.44.020, 54.18.010, 54.24.010, 54.36.010, 54.42.010, 60.32.020, 60.42.020, 60.47.020, 60.52.020, 60.57.020, 60.62.020, 60.72.020, 60.82.020, 60.87.130, 60.92.020, 60.97.020, 60.102.020, 60.107.020, 60.112.020 and MSC 1,4	Amend detached, attached, or stacked dwelling units to allow detached units to have a minimum side yard of 5'.
20.10.020, 60.82, 60.92, 60.107 and 60.112	Exempt low density uses in medium density zones from buffering other detached units in low density zones.
30.15.020, 30.35.020, 53.44.020, 53.44.060, 54.18.010, 54.24.010, 54.36.010, 54.42.010, 55.57.070, 55.57.080, 55.75.010, 55.81.010, 55.87.100, 55.99.010, 60.132.030, 60.172.070 and 60.187.020	Allow zero lot line development for attached units.
40.10.090	Reduce rear yard setback to 10' for office uses in BN zone to be consistent with other office zones.
40.08, 40.10.100, 45.08, 45.10.110, 47.08, 47.10.110 and MSC 2,3	Add requirement for commercial uses on the ground-floor of structures in some commercial zones.
48.15.075	Add rental services as a permitted use in the LIT zone.
48.15.190	Add vehicle storage as permitted use in the LIT zone.
50.30.2 and 50.30.5	Amend height and setback rules in CBD4.
53.24, 53.54, 53.70 and 53.84	For zones other than RH1A, 3, and 4, change the required front yard to read: 10' adjacent to NE 85th St.; otherwise 20'.

45.10.020, 54.30.020, 55.33.030, 55.39.030 and 55.45.020	Revise auto sales listings in to allow used car sales and services.
55.55.2	Amend TL8 regulations to eliminate requirement for certain ground floor uses on properties not fronting 120th Avenue NE.
55.69	Add special regulations for veterinary uses in TL10A.
55.69	Add parking requirements for medical, dental and veterinary offices in TL10A.
55.69	Add nursing home to convalescent center use in TL10A.
60.85 and 60.87.130	Add detached dwelling units as a permitted use in PLA6G.
60.92	Delete special regulation that increases building height next to schools in PLA6H. This zone has an across the board 25' height limit.
60.187	Amend required review process and delete development standards for parks as in all other zones.
72.10, 75.10, 80.10 and Chapter 130	Revise rezone process to clarify that private amendment requests are legislative and to bring rezone rules into conformance with state law as clarified in recent court cases.
95.40.6	Clarify tree spacing requirements in landscape buffers.
105.18	Require easements for pedestrian connections.
115.30	For exceptions to distance between structures, replace "and may be located within 10 feet of one another" with "if they are separated by at least 10 feet."
115.42	Better define when a garage or ADU is "behind the main structure" for purposes of FAR.
115.95	Allow an exception to noise regulations for emergency generators.
115.115.3.d.	Codify Interpretation No. 06-3 regarding structures in required yards.
115.115.3.p.	In addition to HVAC units, allow other equipment in setbacks per same standards.
115.115.5	Remove requirement for 5' driveway setback in flag lot driveways next to interior lot that is part of the same plat.
115.120	Clarify that replacement rooftop appurtenances are also subject to screening.

115.150	Add boats to over-size vehicle regulation in residential zones. Clarify time limits for loading/unloading over-size vehicles.
117.40	Allow building-mounted wireless in a park as a Planning Official decision.
117.40	Do not require Process IIA for antennas on residential buildings in nonresidential zones.
117.65.6	Allow antennas on a Seattle City Light transmission tower to be up to 15' above the top of the tower.
117.70.3	Provide exception to maximum height of ground-mounted equipment structures located in right-of-way if required by the electrical utility.
142.35	Add language that if an applicant does not submit a complete application for a Design Response Conference within 6 months of the Conceptual Design Conference (CDC), the CDC expires.
142.40	Add language to Design Review Chapter, as in other process chapters, about petitioners not having appeal standing.
150.90 and 150.95	Clarify process for testimony and oral arguments at City Council Process IIA appeals.
160.25	Clarify threshold review for Process IV.
161.25	Clarify use of Process IVA for Zoning Map amendments.

MUNICIPAL CODE

Code Section(s)	**Purpose of Amendment**
19.16.070	Eliminate requirement that street vacation vicinity maps be published in the newspaper.
22.04.020	Revise lot line adjustment criteria to address recent court decision in "City of Seattle v. Crispin"
22.04.040, 22.04.045 and 22.08.030	Reduce binding site plan review process.
22.12.020	Delete list of application requirements for preliminary plats and authorize Planning Department to establish same.
22.12.100 through 22.12.140 and 22.12.370	Eliminate references to Houghton Community Council review for preliminary plats. Preliminary plat review process is IIA.
22.16.030 and 22.16.040	Delete list of application requirements for final plats and authorize Planning Department to establish same.

EXHIBIT 2

22.20.025	Provide alternative means of modifying dedicated easements and/or making minor alterations to recorded short plats.
22.20.050	Delete list of application requirements for short plats and authorize Planning Department to establish same.
22.20.245	Add short plat appeal to City Council when an existing right-of-way is opened with a project.
22.26.050, 22.26.460, 22.26.470, 22.26.680 and 22.26.690	Delete list of application requirements for plat alterations and vacations and authorize Planning Department to establish same.
22.28.050	Clarify that lot width requirement is not applicable in multifamily zones.
22.28.080	Modify rule so that easements across flag lots must be excluded from the computation of the lot area of the flag lot.
22.32.030	Change reference for stormwater control requirements to Municipal Code.

ORDINANCE NO. 4121

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72–ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and Houghton Community Council; and.

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

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

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, all portions of this ordinance excluding Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, shall be in full force and effect thirty (30) days from and 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. Sections 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43 shall be in full force and effect one-hundred twenty (120) days from and after passage of this ordinance by the Kirkland City Council and its publication in summary form.

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

ATTACHMENT A

ZONING CODE AMENDMENTS
File No. ZON06-00033

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Zoning Code, that is to be deleted.

- Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.

Chapter 1 – User Guide

1.10 Amend Additional Regulations to add new reference as follows:

26. Landscaping – Are you interested in landscaping your property? If so, you should read KZC 95.52, Prohibited Vegetation.

Chapter 5 – Definitions (Note: Only definitions for which changes are being made are included below. All other definitions in Chapter 5 of the Kirkland Zoning Code remain unchanged).

5.10 Definitions

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

.045 Average Building Elevation – The weighted average elevation of the topography, prior to any development activity, either (1) under the footprint of a building as measured by delineating the smallest rectangle which can enclose the building footprint and then averaging the elevations taken at the midpoint of each side of the rectangle, or (2) at the center of all exterior walls of a building or structure~~, including decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, and including cantilevered portions of a building which enclose exterior space~~.

.145 Commercial Zones – The following zones: BN; BC; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 5; TL 6A; TL 6B; and TL 8.

.298 FAA – The Federal Aviation Administration.

.299 FCC – The Federal Communications Commission.

.302 Family ~~Day~~Child-Care Home – A child-~~day~~-care operation in the family living quarters of the provider's home for no more than 12 children, not including family members who reside in the home or employees of the family day-care home, licensed by the Department of Early Learning.

~~.305 Fast Food Restaurant – An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.~~

.323 Flag Lot - A lot which has a very narrow frontage along the right-of-way in order to accommodate the driveway which accesses the wider, buildable portion of the lot.

326.5 Front Façade – The face of a building essentially parallel to the street, access easement or tract serving the subject property. The front façade may have multiple planes, including a covered entry porch. On a corner lot, the front façade shall be the façade that includes the main entry.

.507 Maximum Horizontal Façade – The widest cross-section of the building(s) in the area adjoining the low density zone or within 100' of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate ___.)

.595 Office Zones – The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; JBD 3; PLA 3A, PLA 5B, C; PLA 6B; PLA 15A; PLA 17A; FC III; MSC 1; MSC 4; NRH 2; NRH 3; NRH 5; NRH 6: RH 4; RH 8; TL 1A; TL 10A, TL 10B; TL 10C; TL 10D; and TL 10E.

.790 Restaurant or Tavern – Commercial use ~~(excluding fast food restaurants)~~ which sells prepared food or beverages ~~and generally offers accommodations for consuming the food or beverage on the premises,~~ and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.960 Use Zone

Amend definition to add new zoning categories:

MSC 1
MSC 2
MSC 3
MSC 4

Chapter 10 – Legal Effect

10.25 Amend Zoning Categories Adopted as follows:

The City is divided into the following zoning categories:

Zoning Category	Symbol
1.-10. *No change*	
11. Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)
12.-17. *No change, but renumbered*	

Chapter 40 – BN Zone

40.10.090 Revise the Required Rear Yard for the Office use listing as follows:

Required Rear Yard: ~~20'~~ 10'

Chapter 48 – LIT Zone

48.15 Add new use listing 48.15.075 as follows:

A Retail Establishment Providing Rental Services *(add same standards as 48.15.070)*

48.15.190 Amend Vehicle or Boat Repair, Services or Washing as follows:

Vehicle or Boat Repair, Services, Storage, or Washing

Chapter 50 – CBD Zones

50.30.2 Amend General Regulation No. 2 in CBD4 as follows:

2. Structures east of Second Street South shall be setback ~~20~~ 10 feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).

50.30.5 Amend General Regulation No. 5 in CBD4 as follows:

5. No portion of a structure within 100 feet of the southerly boundary of 2nd Avenue South abutting Planned Area 6C may exceed ~~25~~ 35 feet. No portion of a structure within 40 feet of First Avenue South shall exceed 3 stories (does not apply to Detached Dwelling Unit uses).

Chapter 53 – RH Zones

Change Required Front Yard for all uses except vehicle service station and public park as follows in the RH2A,B,C (Section 53.24) and RH5A,B (Section 53.54) zones:

10' adjacent to NE 85th St; ~~O~~otherwise 20' ~~adjoining a residential zone~~.

AND

Change required front yard for all uses except public park as follows in the RH7 (Section 53.74), and RH8 (Section 53.84) zones:

10' adjacent to NE 85th St; ~~O~~otherwise 20' ~~adjoining a residential zone~~.

Chapter 55 – Totem Lake Zones

55.55.2 In the TL 8 zone, amend General Regulation No. 2 as follows:

Ground floor uses on the ~~three~~ two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns ~~and/or fast food restaurants~~.

55.69.020 In the TL10A zone, Office Use, add Special Regulation No. 4 as follows:

4. The follow regulations apply only to veterinary offices:
   a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A.

b. Outdoor runs and other outside facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals.

See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

55.69.020 In the TL10A zone, Office Use, revise Required Parking Spaces as follows:

If manufacturing, then 1 per each 1,000 sq.ft. of gross floor area. If office, then 1 per each 300 sq.ft. of gross floor area. If a medical, dental, or veterinary office, then 1 per each 200 sq.ft. of gross floor area. Otherwise, see KZC 105.25.

55.69.060 In the TL10A zone, Convalescent Center use, revise use as follows:

Convalescent Center or Nursing Home

Chapter 60 – Planned Area Zones

60.85 Amend General Regulations in PLA6G as follows:

1. *No change*
2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 feet above average building elevation, or
   b. The maximum horizontal ~~length of any~~ façade ~~of that portion of the structure which is parallel to the boundary of the low density zone~~ shall not exceed 50 feet ~~in width~~.

   See KZC115.30, Distance Between Structures ~~Regarding Maximum Horizontal Façade Regulation~~/Adjacency to Institutional Use for further details.

   (Does not apply to Detached, Attached or Stacked Dwelling Units).
3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
4. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the application neighborhood plan provisions of the Comprehensive Plan; and
   c. The need for additional setback yards to compensate for the added height and bulk will be determined as part of the review of any request to increase structure height.

   (Does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).
5. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

60.87 Amend 60.87.130 Attached or Stacked Dwelling Units use listing as follows:

Detached, Attached or Stacked Dwelling Units. See Special Regulation 6.

60.92.020 In the PLA 6H zone for Detached, Attached or Stacked Dwelling Units, delete Special Regulation 7 as follows:

~~Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.~~

68.187.070 In the PLA17 zone, eliminate Family Day-Care Home use listing (Section 60.187.070).

60.187.120 For Public Park use in the PLA17 zone (Section 60.187.120), delete required review process, all development standards, and special regulations and replace as follows:

Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.

Multiple Zoning Districts -- Garage Setback Requirements

Add reference to (under Required Front Yard) and Special Regulation for Detached Dwelling Unit use as follows in the RS (Section 15.10.010), RSX (Section 17.10.010), WDII (Section 30.25.010), PLA6C (Section 60.67.010), PLA6E (Section 60.77.010), and PLA16 (Section 60.182.010) zones:

__. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.

Multiple Zoning Districts -- Ground Floor Use Requirements

Add a new General Regulation as follows in the BN (Section 40.08) and MSC2 (Section 51.18) zones:

__. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Add a new General Regulation as follows in the BC (Section 45.08), BCX (Section 47.08), and MSC3 (Section 51.28) zones:

__. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.

AND

Amend Stacked Dwelling Unit Special Regulation as follows in the BN (Section 40.10.100), BC (Section 45.10.110), BCX (Section 47.10.110), MSC2 (Section 51.20.050) and MSC3 (Section 51.30.070) zones:

__. This use, with the exception of a lobby, may not be located on the ground floor of a structure.

Multiple Zoning Districts -- Landscape Buffering Requirements

Amend Detached, Attached or Stacked Dwelling Units, Special Regulation 4 addressing landscaping, as follows in the RM zone (Section 20.10.020):

4. Except for low density uses, ~~I~~if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA17, then landscape category A applies.

AND

Amend Detached, Attached or Stacked Dwelling Units, Landscape Category, to make reference to and add Special Regulation as follows in the RM zone (Section 20.10.020):

9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Landscape Category for Detached, Attached or Stacked Dwelling Units to make reference to and add Special Regulation as follows in the PLA 6F (Section 60.82.020), PLA6H (Section 60.92.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

__. When a low density use abuts a detached dwelling unit in a low density zone, Landscape Category E applies.

AND

Amend Special Regulation No. 2 in the PLA6H zone (Section 60.92.020) as follows:

2. Except for low density uses, ~~M~~must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone.

Multiple Zoning Districts -- Maximum Horizontal Façade Requirements

Amend General Regulation as follows in the RS (Section 15.08) and RSX (Section 17.08) zones:

__. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The maximum horizontal ~~length of any~~ façade ~~of that portion of the structure which is parallel to the boundary of the low density zone~~ shall not exceed 50 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.

   No change to remainder of section

AND

Amend General Regulation 2 as follows in the PLA6C (Section 60.65), PLA6E (Section 60.75), and PLA16 (Section 60.180) zones:

2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The maximum horizontal ~~length of any~~ façade ~~of that portion of the structure which is parallel to the boundary of the low density zone~~ shall not exceed 50 feet ~~in width~~.

   See KZC 115.30, Distance Between Structures ~~Regarding Maximum Horizontal Façade Regulation~~/Adjacency to Institutional Use, for further details.

   No change to remainder of section

AND

Amend Special Regulation No. 2, applicable to Public Utility and Government Facility and Community Facility uses in the WDII zone (Sections 30.25.030 and 30.25.040) as follows:

2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The maximum horizontal ~~length of any~~ façade ~~of that portion of the structure which is parallel to the boundary of the low density zone~~ shall not exceed 50 feet ~~in width~~.

   See KZC 115.30, Distance Between Structures ~~Regarding Maximum Horizontal Façade Regulations~~/Adjacency to Institutional Use, for more details.

Multiple Zoning Districts -- Required Side Yard for Detached Dwelling Units

Amend Detached Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.010), PR (Section 25.10.010), MSC1,4 (Section 51.10.010), PLA3A (Section 60.22.010), PLA5A (Section 60.32.010), PLA5C (Section 60.42.010), PLA5D (Section 60.47.010), PLA5E (Section 60.52.010), PLA6A (Section 60.57.010), PLA6B (Section 60.62.010), PLA6D (Section 60.72.010), PLA6F (Section 60.82.010), PLA6H (Section 60.92.010), PLA6I (Section 60.97.010), PLA6J (Section 60.102.010), PLA6K (Section 60.107.010), PLA7A,B,C (Section 60.112.010), PLA9 (Section 60.132.020), and PLA15B (Section 60.177.010) zones:

5', ~~but 2 side yards must equal at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the CBD3 (Section 50.27.080) and CBD4 (Section 50.32.110) zones:

5', ~~but 2 side yards must be at least 15'.~~

AND

Amend Detached Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.010):

5', ~~but 2 side yards must equal to least 15'.~~

AND

Eliminate related Special Regulation as follows in the RM zone (Section 20.10.010):

~~3. If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq.ft., each side yard may be five feet.~~

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RM (Section 20.10.020), PR (Section 25.10.020), MSC1,4 (Section 51.10.020), NRH2 (Section 54.18.010), NRH3 (Section 54.24.010), NRH5 (Section 54.36.010), NRH6 (Section 54.42.010), PLA5A (Section 60.32.020), PLA5C (Section 60.42.020), PLA5D (Section 60.47.020), PLA5E (Section 60.52.020), PLA6A (Section 60.57.020), PLA6B (Section 60.62.020), PLA6D (Section 60.72.020), PLA6F (Section 60.82.020), PLA6G (Section 60.87.130), PLA6H (Section 60.92.020), PLA6I (Section 60.97.020), PLA6J (Section 60.102.020), PLA6K (Section 60.107.020), and PLA7A,B,C (Section 60.112.020) zones:

5' <u>for Detached Units. For Attached or Stacked Units, 5',</u> but 2 side yards must equal at least 15'. *No change to remainder of section.*

AND

Amend Detached Attached or Stacked Dwelling Units, Required Side Yard, as follows in the RH4 zone (Section 53.44.020):

5' <u>for Detached Units. For Attached or Stacked Units, 5',</u> but 2 side yards must equal ~~to~~ <u>at</u> least 15'.

Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Prohibited

Eliminate Fast Food Restaurant use listing in the CBD1 (Section 50.12.050), CBD8 (Section 50.52.020), JBD4 (Section 52.27.030), JBD5 (Section 52.32.030), JBD6 (Section 52.42.020) and NRH1A (Section 54.06.040) zones.

AND

Amend Restaurant or Tavern use listing to add new Special Regulation as follows in the PR (Section 25.10.050), PO (Section 27.10.020), WDI (Section 30.15.060), CBD1 (Section 50.12.010), CBD4 (Section 50.32.010), JBD4 (Section 52.27.020), JBD5 (Section 52.32.020), JBD6 (Section 52.42.010), NRH1A (Section 54.06.030), and NRH1B (Section 54.12.020) zones:

<u>__. Drive-in or drive-through facilities are prohibited.</u>

AND

Amend Fast Food or Restaurant use listing as follows in the LIT zone (Section 48.15.200):

~~Fast Food or~~ Restaurant. See Spec. Reg. 1.

AND

Amend Any Retail Establishment use listing Special Regulation 1 as follows in the CBD3 zone (Section 50.27.040):

1. The following uses are not permitted in this zone:
    a. Vehicle service stations

b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors.

~~c. Fast food restaurants.~~

c.~~d.~~ Drive-in facilities and drive-through facilities.

AND

Amend use listing as follows in MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), MSC3 (Section 51.30.010), TL10C (Section 55.81.140), TL10D (Section 55.87.140), and TL10E (Section 55.93.120) zones:

Restaurant~~,~~ or Tavern ~~or Fast Food Restaurant~~

AND

Amend Special Regulation 1 in the MSC2 zone (Section 51.20.020) as follows:

1. Restaurants and~~,~~ taverns ~~and fast food restaurants~~ are limited to 4,000 sq.ft. maximum.

AND

Eliminate Special Regulation 3 as follows in the MSC1,4 (Section 51.10.040), MSC2 (Section 51.20.020), and MSC3 (Section 51.30.030) zones:

~~3. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.~~

AND

Amend Any Retail Establishment… Special Regulation 1 as follows in the RH1B zone (Section 53.12.030):

1. This use is only permitted south of NE 90th Street if the vehicle trip generation will not exceed the traffic generated by a general office use; provided, that the following retail uses are not permitted:
   a. Restaurants~~, fast food restaurants~~ or taverns.
   b. A retail establishment involving repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles.
   c. Vehicle service stations.
   d. Automotive service centers.
   e. Uses with drive-in or drive-through facilities.

AND

Amend General Regulations as follows in the RH7 zone (Section 53.72):

1.-6. *No change*
7. Drive-through and drive-in facilities are not permitted in this zone.
8.-11. *No change*

AND

Amend use listing as follows in the RH7 zone (Section 53.74.010):

Restaurant~~s,~~ or Tavern~~s or Fast Food Restaurants~~

AND

Amend use listing as follows in the RH7 zone (Section 53.74.080):

Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants~~,~~ or Taverns~~, or Fast Food Restaurants~~.

AND

Amend General Regulations as follows in the RH8 zone (Section 53.82):

1.-7. *No change*
8. Drive-through and drive-in facilities are not permitted in this zone.
9.-12. *No change*

AND

Amend A Multi-Use Complex use listing as follows in the TL7 zone (Section 55.51.140):

A multi-use complex or mixed use building containing 7 or more restaurants, taverns, ~~fast food restaurants,~~ retail establishments, or churches

AND

Amend use listing as follows in the TL7 zone (Section 55.51.190):

~~Fast Food or~~ Restaurant

AND

Amend Restaurant or Tavern use Special Regulation 3 as follows in the TL8 zone (Section 55.57.050):

3. Outdoor storage and drive-in or drive-through facilities are not permitted.

AND

Amend Special Regulation 1 as follows in the TL10C zone (Section 55.81.140):

1. This use is permitted if accessory to a primary use, and:
   a. It will not exceed 20 percent of the gross floor area of the building;
   b. It is not located in a separate structure from the primary use;
   c. The use is integrated into the design of the building;
   d. There is no vehicle drive-in or drive-through~~;~~.
   ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10D zone (Section 55.87.140):

1. This use is permitted if accessory to a primary use, and:

a. It will not exceed 20 percent of the gross floor area of the building;
b. It will not be located in a separate structure from the primary use;
c. It will not exceed 50 percent of the ground floor area of the building;
d. The use is integrated into the design of the building; and
e. There is no vehicle drive-in or drive-through~~; and~~.
~~f. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Special Regulation 1 as follows in the TL10E zone (Section 55.93.120):

1. This use is permitted if accessory to a primary use, and:
   a. It will not exceed 20 percent of the gross floor area of the building;
   b. It is not located in a separate structure from the primary use;
   c. The use is integrated into the design of the building; and
   d. There is no vehicle drive-in or drive-through~~; and~~.
   ~~e. One waste receptacle is provided for every eight parking stalls for fast food restaurants.~~

AND

Amend Development Containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility use listing to add new Special Regulation as follows in the PLA15A zone (Section 60.172.070):

__. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.

Multiple Zoning Districts – Restaurants/Fast Food Restaurants: Drive-In and Drive-Through Facilities Permitted

Eliminate Fast Food Restaurant use listing in the FCIII (Section 35.30.050), BC (Section 45.10.040), BCX (Section 47.10.040), CBD5 (Section 50.37.020), CBD6 (Section 50.42.020), CBD7 (Section 50.47.030), JBD1 (Section 52.12.050), JBD2 (Section 52.17.050), and NRH4 (Section 54.30.040) zones.

AND

Amend A Retail Establishment… Special Regulations as follows in the FCIII zone (Section 35.30.060):

1. *No change*
2. ~~The following regulation applies to retail establishments selling groceries and related items: A~~ Ggross floor area for the use may not exceed 3,000 square feet.
3. ~~Fast Food Restaurant use must provide one outdoor waste receptacle for every eight parking stalls.~~
4. ~~Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.~~
5. *No change, except renumbered to 3*.

AND

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the FCIII (Section 35.30.020), BC (Section 45.10.030), and BCX (Section 47.10.030) zones:

__. For restaurants with drive-in or drive-through facilities:
a. One outdoor waste receptacle shall be provided for every eight parking stalls.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
c. Landscape Category A shall apply.

Add a new Special Regulation to Restaurant or Tavern use listing as follows in the BN zone (Section 40.10.060):

__. For restaurants with drive-in or drive-through facilities:
a. One outdoor waste receptacle shall be provided for every eight parking stalls.

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the CBD5 zone (Section 50.37.010):

__ For restaurants with drive-in or drive-through facilities:
a. One outdoor waste receptacle shall be provided for every eight parking stalls.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
c. Landscape Category A shall apply if the subject property is adjacent to 6th Street or Kirkland Avenue.

AND

Amend Restaurant or Tavern use listing Special Regulation 1 and add new Special Regulation 3 as follows in the CBD7 zone (Section 50.47.020):

6. Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply.

3. For restaurants with drive-in or drive-through facilities:
a. One outdoor waste receptacle shall be provided for every eight parking stalls.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add Special Regulation as follows in the JBD 1 zone (Section 52.12.040):

1. For restaurants with drive-in or drive through facilities:
a. These facilities are permitted only if they do not compromise the pedestrian orientation of the development. The location and specific design of the facilities require Planning Official approval.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
c. One outdoor waste receptacle shall be provided for every eight parking stalls.
d. Landscape Category B shall apply.

AND

Amend Development Containing Two or More of the Following use listing as follows in the JBD1 zone (Section 52.12.120):

Development containing two or more of the following uses:
-- Retail Establishments, including Restaurants~~,~~ and Taverns~~, and Fast Food Restaurants~~
-- Office Uses
-- Stacked or Attached Dwelling Units

AND

Amend Development Containing Two or More of the Following use listing Special Regulations 7 and 9 as follows in the JBD1 zone (Section 52.12.120):

7. If the development contains restaurant, tavern, ~~fast food restaurant,~~ or retail use, then sign category E applies. Otherwise, sign category D applies.

9. Restaurants, taverns, ~~fast food restaurants,~~ and retail establishments selling goods and services should be the ~~predominate~~ predominant use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development

AND

Add a new Special Regulation to Restaurant or Tavern use as follows in the JBD2 zone (Section 52.17.040):

__. For restaurants with drive-in or drive-through facilities:
   a. One outdoor waste receptacle shall be provided for every eight parking stalls.
   b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
   c. Landscape Category B shall apply.

AND

Amend use listing as follows in the RH1A (Section 53.06.030) and RH3 (Section 53.34.040) zones:

Restaurant~~, Fast Food Restaurant~~ or Tavern

AND

Revise Special Regulation 1 as follows in the RH1A (Section 53.06.030) and TL4A,B, C (Section 55.33.040) zones:

1. For restaurants with drive-in or drive-through facilities:
   a. ~~Must provide o~~One outdoor waste receptacle shall be provided for every eight parking stalls.
   b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Development Containing… use listing as follows in the RH3 zone (Section 53.34.010):

> Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns, ~~fast food restaurants~~

AND

Amend Special Regulation as follows in the RH3 zone (Section 53.34.040):

__ ~~Fast food r~~For Restaurants with drive-in or drive-through facilities:
a. ~~Shall provide o~~One outdoor waste receptacle shall be provided for every eight parking stalls.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend use listing as follows in the RH2A,B,C (Section 53.24.030), RH5A,B (Section 53.54.040), TL4A,B,C (Section 55.33.040), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

> Restaurant~~,~~ or Tavern ~~or Fast Food Restaurant~~

AND

Amend Special Regulation as follows in the RH2A,B,C (Section 53.24.030), TL5 (Section 55.39.040), TL6A,B (Section 55.45.030), and TL10A (Section 55.69.030) zones:

__ ~~Fast food r~~For Restaurants with drive-in or drive-through facilities:
a. ~~Must provide o~~One outdoor waste receptacle shall be provided for every eight parking stalls.
b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Special Regulations 1 and 2 as follows in the RH5A,B zone (Section 53.54.040):

1. Taverns and ~~fast food~~ restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone~~, except fast food restaurants which:~~
   ~~a. Do not include drive-in or drive-through facilities; and~~
   ~~b. Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies, or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs, and coffee makers in support of or ancillary to the beverages of snacks listed above; and~~
2. ~~Fast food r~~For restaurants with drive-in or drive-through facilities:
   a. One outdoor waste receptacle shall be provided for every eight parking stalls.

b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

AND

Amend Restaurant or Tavern use listing to add the following Special Regulation in the NRH4 zone (Section 54.30.030):

1. The following regulations apply to restaurants with drive-in or drive-through facilities:
   a. This use is permitted only if the subject property abuts Slater Avenue NE. No aspect or component of a restaurant with drive-in or drive-through facilities may be located on or oriented towards NE 116th Street.
   b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
   c. One outdoor waste receptacle shall be provided for every eight parking stalls.
   d. Landscape Category A shall apply.

AND

Amend Development Containing Retail… use listing as follows in the TL2 zone (Section 55.21.010):

Development Containing Retail Uses, Selling Goods or Providing Services, Including Restaurants~~,~~ and Taverns ~~and Fast Food Restaurants~~, Banking and Other Financial Services

AND

Amend Special Regulation 3.c. as follows in the TL2 (Section 55.21.010), and TL5 (Section 55.39.010) zones:

3.c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, and taverns ~~and fast food restaurants~~ may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development.

Multiple Zoning Districts -- Used Vehicle/Boat Sales Permitted

Revise the use listing as follows in the BC (Section 45.10.020), NRH4 (Section 54.30.020), TL4A,B,C (Section 55.33.030), TL5 (Section 55.39.030), and TL6A,B (Section 55.45.020) zones:

A retail establishment providing ~~new~~ vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. __.

AND

Revise Special Regulation 2 as follows in the BC zone (Section 45.10.020):

2. Vehicle and boat rental ~~and used vehicles or boat sales~~ are allowed as part of this use.

Multiple Zoning Districts -- Zero Lot Line Opportunities

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the WD1 (Section 30.15.020), WDIII (Section 30.35.020), and PLA15A (Section 60.172.020) zones:

> Special Regulation __. Any required yard, other than the front or high water line required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL8 (Section 55.57.070), TL10B (Section 55.75.010), TL10C (Section 55.81.010), TL11 (Section 55.99.010), and PLA17 (Section 60.187.020) zones:

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.020):

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Stacked or Attached Dwelling Units and Office Uses, Required Yards, to make reference to and add Special Regulations as follows in the RH4 zone (Section 53.44.060):

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Other Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH2 (Section 54.18.010) and NRH3 (Section 54.24.010) zones:

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses), Required Yards, to make reference to and add Special Regulations as follows in the NRH5 (Section 54.36.010) and NRH6 (Section 54.42.010) zones:

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Development Containing Attached or Stacked Dwelling Units and Offices, Restaurants or Taverns, or Retail Uses Allowed in this Zone, Required Yards, to make reference to and add Special Regulations as follows in the TL 8 zone (Section 55.57.080):

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
>
> Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

AND

Amend Attached or Stacked Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the TL10D zone (Section 55.87.100)

> Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

AND

Amend Attached Dwelling Units, Required Yards, to make reference to and add Special Regulations as follows in the PLA9 zone (Section 60.132.030):

Special Regulation __. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

Special Regulation __. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

Chapter 72 – Adult Activities Overlay Zone

72.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Adult Entertainment Overlay Zone on the Zoning Map, using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 75– Historic Landmark Overlay Zone and Historic Residence Designation

75.10 Amend Historic Landmark Overlay Zone Designation – Required Review as follows:

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 80 – Equestrian Overlay Zone

80.10 Amend Designation – Required Review as follows:

The City will review and decide upon each application to designate an area as an Equestrian Overlay Zone on the Zoning Map using the ~~nonproject~~ quasijudicial rezone provisions of Chapter 130 KZC.

Chapter 95 – Tree Management and Required Landscaping

95.40.6 Amend the Land Use Buffering Standards, sub (a), sub (1) (buffering standard 1) as follows:

1) Trees planted at the rate of one tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees eight feet in height, minimum. At least 70 percent of trees shall be evergreen. ~~Evergreen and deciduous~~ The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

95.52 Add a new section, Prohibited Vegetation, as follows:

Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

For landscaping not required under this chapter, this prohibition shall become effective on *(effective date of ordinance)*. The City may require removal of prohibited vegetation if installed after this date. Residents and property-owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

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

105.18 Pedestrian Access

2. Development standards required for pedestrian improvements-

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

   1)-7) *No change*

   8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

Chapter 115 - Miscellaneous Standards

115.10 Accessory Uses, Facilities and Activities

7. Family ~~Day~~Child-Care Home - Pursuant to Chapter ~~74.15 RCW~~ 43.215 RCW, a family ~~day~~child-care home is a permitted accessory use in any residential or commercial zone which allows~~ed~~ residential use. A family ~~day~~child -care home shall be subject to the following regulations:

   a. The family ~~day~~child-care home is subject to the requirements established by the Washington State Department of ~~Social and Health Services (DSHS) (WAC Title 388)~~ Early Learning (DEL) (WAC Title 170).
   b. The family ~~day~~child-care provider shall be licensed by ~~DSHS~~ DEL to operate a family ~~day~~child-care home.
   c. A safe passenger loading area as certified by the ~~DSHS~~ DEL licensor shall be provided.
   d. The family ~~day~~child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
   e. The family ~~day~~child-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
   f. No change.
   g. *No change.*
   h. Prior to receiving State licensing, the family ~~day~~child-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family ~~day~~child-care home. The notification shall:
      i. Inform the notified parties that comments may be submitted to the ~~State licensor~~ Department of Early Learning; and
      ii. Provide contact information for submitting such comments to the ~~licensor~~ Department of Early Learning~~; and~~
      ~~iii. Include a statement that neighborhood dispute resolution pertaining to the proposed family day-care home is available from DSHS~~.

      The proof of notification shall be in the form of a written affidavit containing:
      1) The date and means of notification;
      2) A copy of the notification; and
      3) A list of the parties to whom the notification was distributed.

115.30 Distance Between Structures/Adjacency to Institutional Use

1. Distance Between Structures
   a. Apply to:
      1) Calculation of F.A.R. for detached dwelling units in low density zones, and

2) Regulation of maximum horizontal façade (see KZC 5.10.507 for definition).

b. *No change*

c. Exceptions

1)-2) *No change*

3) Detached dwelling units approved and constructed as a "Detached, Attached, or Stacked Dwelling Unit" are excluded from horizontal façade regulations ~~and may be located within 10 feet of one another~~ if they are separated by at least 10 feet.

4) *No change*

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones

1.c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC 115.30 for additional information on the required distance between structures); provided that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

115.43 Garage ~~Setback~~ Requirements for Detached Dwelling Units in Low Density Zones.

Eliminate existing requirements and replace with new section, as follows:

~~1. In a low density zone, the garage must be set back five feet from the remaining portion of the front façade of a dwelling unit, if:~~

~~a. The garage door is located on the front façade of the dwelling unit; and~~
~~b. The lot is at least 50 feet wide at the front setback line; and~~
~~c. The garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage.~~

~~2. In measuring the garage setback, the front façade of the dwelling unit shall include covered entry porches that extend across 100 percent of the remaining front façade, but shall not include other elements that are allowed to extend into the required front yard, pursuant to KZC 115.115.~~

1. Purpose and Intent. The intent of these regulations is to minimize the appearance of the garage when viewing the front façade of a house. To achieve this result, the following principles apply:

a. The garage doors, whenever practicable, should not be placed on the front facade of the house;
b. If the garage doors are on the front façade, the garage should be set back from the plane of the front façade closest to the street, access easement or tract;
c. The width of the garage face generally should be no more than the width of the remainder of the front façade; and
d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front façade.

2. General Requirements

   a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
   b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front façade.

3. Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit

   a. The required front yard for the garage shall be 8' greater than the required front yard for the remainder of the detached dwelling unit (not including covered entry porches approved under KZC 115.115.3.n).
   b. The garage width shall not exceed 50% of the total width of the front façade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front façade, is less than 55'.)
   c. For purposes of this section, the width of the front façade shall not include those items located along the side facades described in Section 115.115.3.d. of this code, even if they are outside of a required yard.

4. Exemptions. The following are exempt from the requirements of Subsection 3 of this section:

   a. Houses on flag lots;
   b. Houses with below-grade garages. For purposes of this exemption, a "below-grade garage" is one that has at least 75% of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.

5. Deviation From Requirements. The Planning Official may allow deviations from the requirements of this section if the following criteria are met:

   a. The modification is necessary because of the size, configuration, topography or location of the subject property; and
   b. The modification supports the purpose and intent of the garage setback regulations; and
   c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
   d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

6. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.59 Height Regulations – Calculating Average Building Elevation (ABE).

Modify existing subsections and add new subsection, as follows:

1. General – ABE shall be calculated using the following formula:

ABE = (Mid-point Elevation) x (Length of Segment) +
(Mid-point Elevation) x (Length of Segment)
(Length of Segment) + (Length of Segment)

(See Plates 17A and 17B. The permit applicant may choose whether to use the simplified calculation as depicted in Plate 17A, Option 1, or the more complicated calculation as depicted in Plate 17B, Option 2.)

For both options, the ABE segments shall include decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.

For Option 1, those items allowed to extend into required yards through Section 115.115.3.d shall not be included within the square or rectangle.

For Option 2, those items allowed to extend into required yards through Section 115.115.3.d shall be included in the wall segments.

For calculation of mid-point elevation, existing predevelopment grades shall be used, unless fill has been placed on the site, whether legally or illegally, within a 10-year period prior to the development application, in which case the grades prior to the placement of the fill shall be used.

2. *No change*

3, Partially underground structures or improvements – Building wall segments more than 4' in height above finished grade and enclosing interior space shall be included in the height calculations.

115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.

2. Exceptions
   - *a. No change*
   - b. An access easement or tract that is not included in the calculation of lot size ~~serves more than one lot that does not abut a right-of-way~~ will not be used in calculating lot coverage for any lot it serves or crosses.
   - c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided that:
     1) This exception cannot be used for flag or panhandle lots;
     2) Renumbering, no change.
     3) Renumbering, no change.
   - *d.i. No change*

115.95 Amend Noise Regulations as follows:

1-2. *No change*

3. Exceptions:– Sounds created by emergency generators are exempt from the provisions of this section when:

i. operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;

ii. conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.

~~3.~~4. *No change*

115.115 Required Yards

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to detached dwelling units and their accessory structures located in low density zones in which the Floor Area Ratio regulations of KZC 115.42 apply may not extend closer than 4 feet to any property line. See Plate 10.

(codifies Interpretation 06-03)

p. HVAC and similar types of mechanical equipment may be placed no closer than five feet ~~of~~ to a side or rear property line, and shall not be located within a required front yard; provided, that such ~~HVAC~~ equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units and Duplexes

1) General – Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

a) no change

b) That for panhandle lots, a 5' setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
c) *Renumbered, but no change*.

115.120 Rooftop Appurtenances

1. – 2. *No change*

3. Required Screening:

a. *No change*

b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.

c. *No change*

4. – 5. *No change*

115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer is both more than nine feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways and including any trailer upon which such vehicle or boat rests. Any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.

2. Exceptions

a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than ~~48~~ 24 hours in any consecutive seven-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer.

b. The City may, using Process IIA, described in Chapter 150 KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:

1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and

2) The property abutting the subject property will not be impacted by the parking or storage; and

3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and

4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

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. – 2. *No change*

~~3. "Building" shall mean a roofed structure used or intended for human occupancy.~~

4. – 5. Renumber to 3. – 4.

5. "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.

6. – 7. *No change*

~~8. "FAA" shall mean the Federal Aviation Administration.~~

~~9. "FCC" shall mean the Federal Communications Commission.~~

8. "Insulator" means a material in a unit form designed and used so as to support a charged conductor and electrically isolate it.

10. – 13. Renumber to 9. – 12.

~~14~~ 13. "Residential zone" for the purpose of this chapter, shall ~~mean portions of the City in the following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 1: PLA 1; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; and~~ be as defined in KZC 5.10.785, together with the PLA1 and P zones; and rights-of-way adjacent ~~thereto~~ to each of the afore-mentioned zones, measured to the centerline of the right-of-way.

15. – 16. Renumber to 14. – 15.

117.40 Application Review Process Amend 117.40.1 (Planning Official Decision) and add a new subsection (e), to read:

e) Attachment of antennas to existing buildings within a public park, regardless of zone.

117.40 Application Review Process Amend 117.40.2 (Process I Permit) as follows:

a) – c) *No change*

d) Attachment of antennas to nonresidential buildings, such as schools or churches, in residential zones, except when located in a public park.[3] See KZC 117.65(7).

117.40 Application Review Process Amend 117.40.3 (Process IIA Permit) as follows:

a) – b) *No change*

c) Attachment of antennas to multifamily residential buildings in ~~any~~ residential zones[3].

117.65 PWSF Standards Amend 117.65.6 as follows:

6. Antennas on a Utility Pole – Antennas mounted to an existing or replacement utility pole shall be subject to the following height limits:

   a. In any zone, 15 feet above the top of a pole not used to convey electrical service;
   b. In a residential zone, 15 feet above the electrical distribution or transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service; and
   c. In a nonresidential zone, 15 feet above an electrical distribution conductor or 21 feet above an electrical transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service.
   d. On Seattle City Light transmission towers, regardless of zone, 15' above the top of the tower, before any tower extensions, subject to the concealment measures identified in Section 117.65.3.

117.70 Equipment Structure Standards Amend 117.70.3 as follows:

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.

Chapter 130 - Rezones

Sections:

130.05 User Guide
130.10 Types of Reclassification
130.15 Legislative Rezones – Applicable Process
130.20 Legislative Rezones – Criteria
130.25 Legislative Rezones – Map Change
130.30 Quasijudicial Rezones – Applicable Process
130.35 Quasijudicial Rezones – Application
~~130.40 Quasijudicial Rezones – Types~~

130.~~45~~40 Quasijudicial ~~Nonproject~~ Rezones – Criteria
130.~~50~~45 Quasijudicial ~~Nonproject~~ Rezones – Map change
~~130.55 Quasijudicial Project Rezones – General~~
~~130.60 Quasijudicial Project Rezones – Criteria~~
~~130.65 Quasijudicial Project Rezones – Effect of Approval~~
~~130.70 Quasijudicial Project Rezones – Minor Modifications~~
~~130.75 Quasijudicial Project Rezones – Major Modifications~~
~~130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone~~
~~130.85 Quasijudicial Project Rezones – Map Change~~

130.35 User Guide

This chapter establishes the mechanism and criteria for the City to change a zoning classification on the Zoning Map and to change the boundaries of zones on the Zoning Map. This mechanism is called rezoning. If you are interested in proposing a rezone or want to participate in the City's decision on a proposed rezone, you should read this chapter.

Please note that this chapter does not apply to proposals to amend the text of this code. Chapter 135 KZC describes how that can be done.

130.10 Types of Reclassification

There are two types of reclassification as follows:

1. Legislative Rezones – A rezone will be treated as a legislative matter when:

   a. It is initiated by the City; and

      ~~b.~~ 1) The subject property is part of a significant class of properties which are similarly affected by the proposed rezone; and

      ~~c.~~ 2) ~~It i~~ Is either:

         ~~1)~~ (a) Based upon and will implement the results of a comprehensive planning process; or

         ~~2)~~ (b) Part of a process that includes, and is necessary to implement, amend~~ing~~ment of the text of this code~~;~~, or:

   b. It is initiated by the City and the sole purpose of the rezone is to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map; or

   c. It is initiated by either the City or another party and will implement a citizen-initiated amendment to the comprehensive plan approved pursuant to Chapter 140 KZC.

2. Quasijudicial – A rezone will be treated as a quasijudicial matter when it does not meet the requirements of subsection (1) of this section. Quasijudicial rezones include proposals to change the Zoning Map within a range or category that is established by the existing comprehensive plan, comprehensive plan land use map and/or zoning code regulations, as well as proposals to place or remove an overlay zoning designation on the Zoning Map.

KZC 130.15 through 130.25 apply to legislative rezones. KZC 130.30 through ~~130.85~~ 130.45 apply to quasijudicial rezones.

130.15 Legislative Rezones – Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal for a legislative rezone; provided, that a rezone for the purpose of correcting grammatical, labeling, scrivener's, or similar errors on the official Zoning Map may be processed either through Process IV or Process IVA pursuant to Chapter 161 KZC.

130.20 Legislative Rezones – Criteria

The City may decide to approve a ~~proposal to~~ legislative rezone ~~land~~ only if it finds that:

1. Conditions have substantially changed since the property was given its present zoning or ~~T~~the proposal ~~is consistent with the applicable provisions of~~ implements the policies of the Comprehensive Plan; and

2. The proposal bears a substantial relationship to the public health, safety, or welfare; and

3. The proposal is in the best interest of the ~~residents~~ community of Kirkland.

130.25 Legislative Rezones – Map Change

If the City approves a ~~proposal to~~ legislative rezone ~~land~~ it will give effect to this decision by making the necessary amendment to the Zoning Map of the City.

130.30 Quasijudicial Rezones – Applicable Process

The City will use Process IIB described in Chapter 152 KZC to review and decide upon an application for a quasijudicial rezone.

130.35 Quasijudicial Rezones – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

~~130.40 Quasijudicial Rezones – Types~~

~~There are two types of quasijudicial rezones as follows:~~

~~1. Nonproject Related – A quasijudicial rezone will be treated as nonproject related when:~~

~~a. The proposed rezone is initiated by the City and the subject property is not owned by the City; or~~

~~b. The proposed rezone is from one single-family residential zone classification to another single-family residential zone classification; or~~

~~c. The proposed rezone is to place or remove an overlay zoning designation on the Zoning Map under Chapters 70 through 80 KZC.~~

~~2. Project Related – A quaijudicial rezone will be treated as project related when it does not meet the provisions of subsection (1) of this section. All project related reclassifications require a specific development proposal for the subject property.~~

~~KZC 130.45 through 135.50 apply to nonproject related quasijudicial rezones. KZC 130.55 through 130.85 apply to project related quasijudicial rezones.~~

130.~~45~~40 Quasijudicial ~~Nonproject~~ Rezones – Criteria

The City may approve an application for a ~~nonproject~~ quasijudicial rezone only if it finds that:

1. ~~The proposed rezone is consistent with the Comprehensive Plan; and~~ Conditions have substantially changed since the property was given its present zoning or the proposed rezone implements the policies of the comprehensive plan, and

2. The proposed rezone is compatible with the existing land uses in the immediate vicinity of the subject property; and

~~2.~~3. The proposed rezone bears a substantial relationship to the public health, safety, or welfare; and

~~3.~~4. The proposed rezone is in the best interest of the ~~residents~~ community of Kirkland; and

~~4. The proposed rezone is appropriate because either:~~

~~a. Conditions in the immediate vicinity have so markedly changed since the property was given its present zoning and that under those changed conditions a rezone is within the public interest; or~~

~~b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or~~

~~c.~~

~~4.~~5. If ~~T~~the rezone is to place or remove an overlay zoning designation on the Zoning Map, ~~and~~ the proposal meets the applicable designation criteria of Chapters 70 through 80 KZC;

~~provided, that a showing of changed conditions pursuant to subsection (4) of this section is not required if the rezone will implement the policies of the Comprehensive Plan.~~

130.~~50~~45 Quasijudicial ~~Nonproject~~ Rezones – Map Changes

If the City approves an application for a ~~nonproject related~~ quasijudicial rezone it will give effect to this decision by adopting an ordinance that makes the appropriate change to the zone boundary or zone classification on the Zoning Map.

~~130.55 Quasijudicial Project Rezones – General~~

~~The purpose of a project related rezone is to enable the City to evaluate the applicant's specific development proposal for the subject property as part of the decision on the rezone. If the City decides to grant the application, it will adopt a resolution of intent to rezone which permits the applicant to develop the subject property as shown on the site plan that will be approved as part of that resolution. After the approved development is completed, the City will make the appropriate change to the Zoning Map of the City.~~

~~130.60 Quasijudicial Project Rezones – Criteria~~

~~The City may approve an application for a project related rezone only if it finds that:~~

~~1. The criteria set forth in KZC 130.45 are met; and~~

~~2. The proposed project complies with this code in all respects; and~~

~~3. The site plan of the proposed project is designed to minimize all adverse impacts on existing land use in the immediate vicinity of the subject property.~~

~~4.~~

~~130.65 Quasijudicial Project Rezones – Effect of Approval~~

~~If City Council approves an application for a project related rezone, it will give effect to this decision by adopting a resolution of intent to rezone which will have the following effects:~~

~~1. Effect on the Applicant – The applicant may, subject to all other applicable codes and ordinances, develop the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution.~~

~~2. Effect on the City – If the applicant completes development of the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall make the zone boundary or zone classification change on the Zoning Map that was approved in that resolution.~~

~~130.70 Quasijudicial Project Rezones – Minor Modifications~~

~~Subsequent to the adoption of the resolution of intent to rezone, the applicant may apply for a minor modification to the site plan approved as part of that resolution. The Planning Official shall administratively review and decide upon an application for a minor modification. The City may approve a minor modification only if it finds that:~~

~~1. The change will not result in reducing the landscaped area, buffering areas or the amount of open space on the project; and~~

~~2. The change will not result in increasing the residential density or gross floor area of the project; and~~

~~3. The change will not result in any structure, or vehicular circulation or parking area, being moved more than 10 feet in any direction and will not reduce any required yard; and~~

~~4. The change will not result in any increase in height of any structure above any of the following:~~

~~a. Ten percent above the originally approved height;~~
~~b. The maximum height of structure of the underlying zone; or~~
~~c. The maximum allowable height, if any, specified in the resolution of intent to rezone; and~~

~~5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project.~~

~~130.75 Quasijudicial Project Rezones – Major Modifications~~

~~If the applicants seeks a modification to the approved site plan that does not meet all of the requirements of KZC 130.70, he/she may do so by submitting the application material required for a new quasijudicial project related rezone. The City will process and decide upon this application, using the provisions in KZC 130.55 through this section, as if it were an application for a new quasijudicial project related rezone.~~

~~130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent to Rezone~~

~~1. Increased Time – City Council may, in the resolution of intent to rezone, extend the time limit of Chapter 152 KZC for the project.~~

~~2. Effect on Land Use If Resolution Lapses – If the resolution of intent to rezone lapses under the time limits of Chapter 152 KZC, or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the resolution of intent to rezone had not been granted.~~

~~130.85 Quasijudicial Project Rezones – Map Change~~

~~Upon completion of the project in full compliance with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall give effect to the rezone by adopting an ordinance that makes the change to the zone boundary or zone classification on the Zoning Map that was approved in the resolution of intent to rezone.~~

Chapter 142 – Design Review

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

1. – 5. *No change*

6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Design Review within six (6) months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:

a. – c. *No change*

7. – 10. *No change*

142.40 Appeals of Design Review Board Decisions

1. *No change*

2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board. A party who signed a petition may not appeal unless such party also submitted independent written comments or information.

3. – 11. *No change*

Chapter 150 – Process IIA

150.90 Participation in the Appeal

Only those person entitled to appeal the decision under KZC 150.80(1) who file an appeal under KZC 150.80(2) may participate in the appeal; provided, that the applicant may submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal. These persons may participate in either or both of the following ways:

1. By submitting written arguments to the City Council prior to the commencement of the City Council's consideration of the appeal.

2. By appearing in person, or through a representative, at the City Council's consideration of the appeal and providing oral or written arguments directly to the City Council~~. The Council may reasonably limit the extent of the oral arguments to facilitate the orderly and timely conduct of their consideration of the appeal.~~ The City Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each.

150.95 Nature of the Appeal and Scope of the Appeal

The appeal will be a closed record appeal. The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal, and City Council may only consider arguments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner. No new evidence may be presented.

Chapter 160 – Process IV

160.25 Threshold Review

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20~~, to make a legislative rezone,~~ and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.

2. Threshold Review

   a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those

proposals eligible for further consideration. The recommendation shall be consistent with KZC 160.60 and based on the criteria described in Chapter 135 KZC for Zoning Code amendments and in Chapter 140 KZC for Comprehensive Plan amendments.

b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.

c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC 160.45 and include an analysis of the threshold criteria.

3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one of the following:

a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; and

b. The proposal has merit, but should be considered at a subsequent amendment phase; or

c. The proposal does not have merit and shall not be given further consideration.

Chapter 161 – Process IVA

161.25 Suitability for Process IVA

1. General – Process IVA is for:

a. ~~m~~Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies, or

b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener's, or similar errors on the official Zoning Map.

The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

2. Distribution - *No change*

Chapter 180 – Plates

Revise Plate 17 as follows:

Plate 17A, Calculating Average Building Elevation, Option 1

Add two new plates as follows:

Plate 17B, Calculating Average Building Elevation, Option 2
Plate __, Measuring Maximum Horizontal Facade

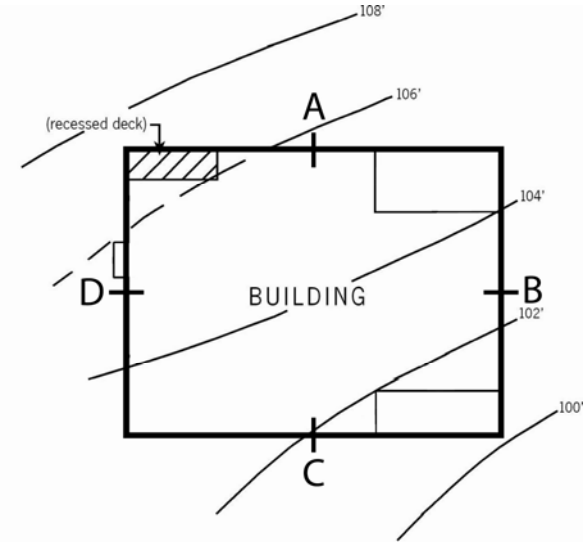
Plate 17A

Calculating Average Building Elevation
Option 1

A, B, C, D... Existing Ground Elevation at Midpoint of Rectangle Segment*

a, b, c, d... Length of Rectangle Segment*

*Rectangle includes the perimeter of a deck or porch, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.



Midpoint Elevation	Rectangle Segment Length
A = 105.6	a = 47'
B = 102.5	b = 40'
C = 101.9	c = 47'
D = 105.2	d = 40'

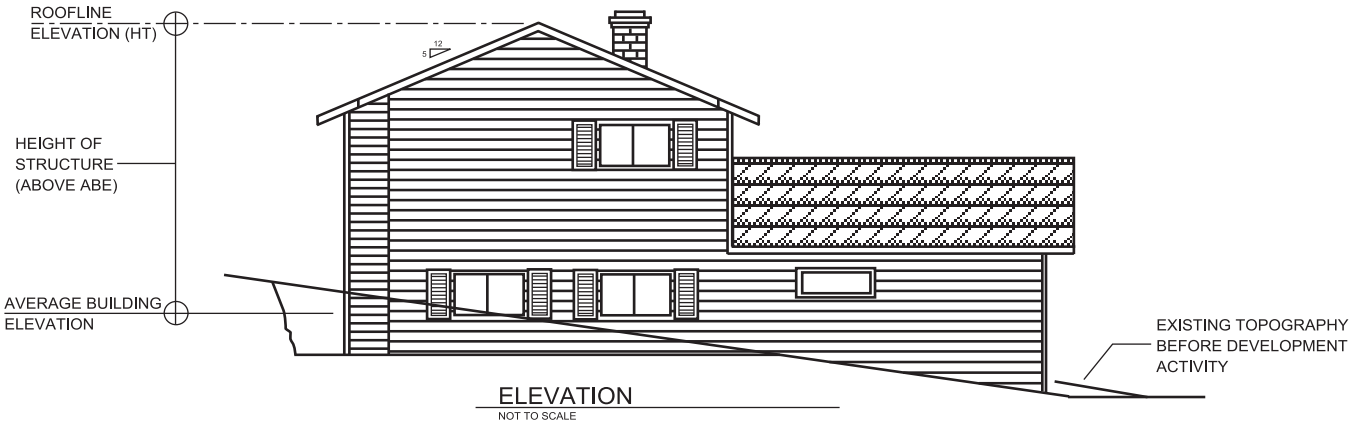
Site Plan
Not to scale

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d)}{a + b + c + d} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

$$\frac{(105.6)(47)+(102.5)(40)+(101.9)(47)+(105.2)(40)}{47 + 40 + 47 + 40} = \frac{18{,}060.5}{174} = 103.80 \text{ ABE}$$



NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

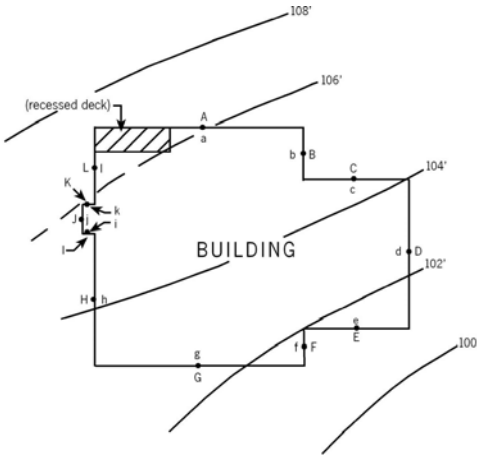
Plate 17B

Calculating Average Building Elevation
Option 2

A, B, C, D... Existing Ground Elevation at Midpoint of Wall Segment*

a, b, c, d... Length of Wall Segment Measured on Outside of Wall*

*Wall Segment includes the perimeter of a deck, unless the deck has no walls at or below the deck level and no roof above the deck.



Site Plan
Not to scale

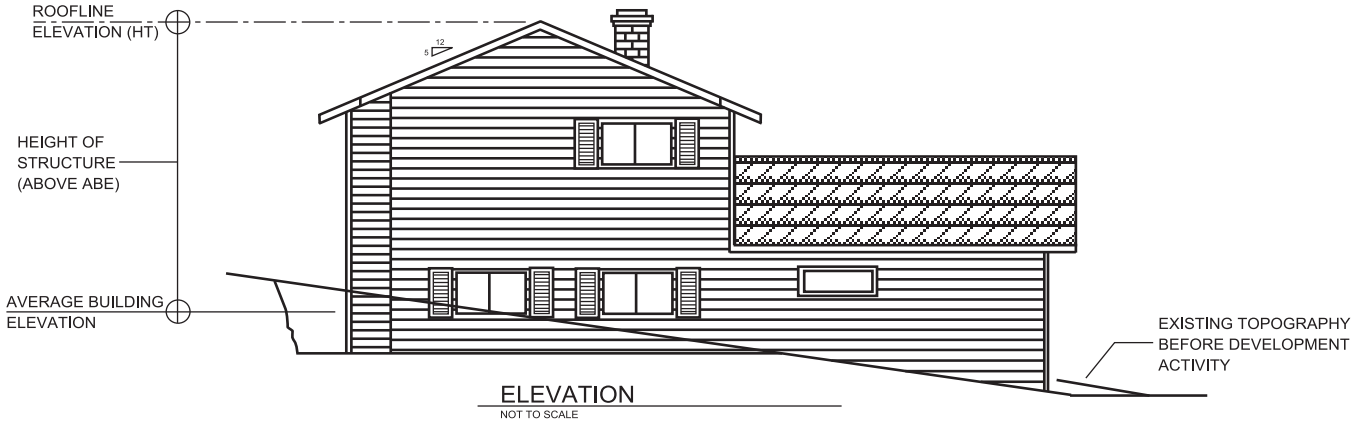
Midpoint Elevation	Wall Segment Length
A = 106.1	a = 30'
B = 104.7	b = 9'
C = 104.4	c = 17'
D = 102.2	d = 25'
E = 101.6	e = 13'
F = 101.7	f = 6'
G = 102.5	g = 34'
H = 104.2	h = 22'
I = 105.0	I = 2'
J = 105.5	j = 6'
K = 106.0	k = 2'
L = 106.8	l = 12'

FORMULA:

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) \ldots\ldots + (L \times l)}{a + b + c + d + e + f \ldots\ldots + l} = \text{Average Building Elevation (ABE)}$$

EXAMPLE:

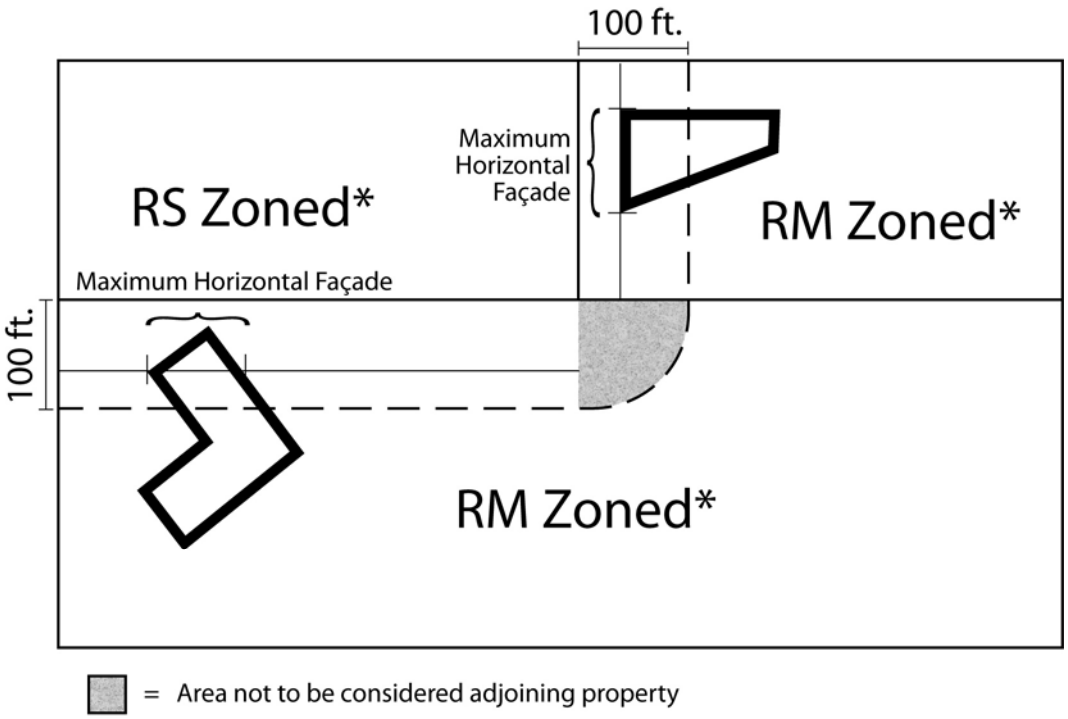
$$\frac{(106.1)(30)+(104.7)(9)+(104.4)(17)+(102.2)(25)+(101.6)(13)+(101.7)(6)+(102.5)(34)+(104.2)(22)+(105.0)(2)+(105.5)(6)+(106.0)(2)+(106.8)(12)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 22 + 2 + 6 + 2 + 12} = \frac{18{,}500.10}{178} = 103.93 \text{ ABE}$$



NOTE: PLEASE INCLUDE THE ELEVATION OF THE ROOFLINE ON THE SITE PLAN AND INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

Plate ____

Measuring Maximum Horizontal Façade



*Used for example only. Maximum horizontal façade requirements are specified by individual zoning district.

ORDINANCE NO. 4121
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1—USER GUIDE; CHAPTER 5—DEFINITIONS; CHAPTER 10—LEGAL EFFECT; CHAPTER 15—RS ZONES; CHAPTER 17—RSX ZONES; CHAPTER 20—RM ZONES; CHAPTER 25—PR ZONES; CHAPTER 27—PO ZONES; CHAPTER 30—WD ZONES; CHAPTER 35—FC ZONES; CHAPTER 40—BN ZONES; CHAPTER 45—BC ZONES; CHAPTER 47—BCX ZONES; CHAPTER 48—LIT ZONES; CHAPTER 50—CBD ZONES; CHAPTER 51—MSC ZONES; CHAPTER 52—JBD ZONES; CHAPTER 53—RH ZONES; CHAPTER 54—NRH ZONES; CHAPTER 55—TL ZONES; CHAPTER 60—PLA ZONES; CHAPTER 72–ADULT ACTIVITIES OVERLAY ZONE; CHAPTER 75—HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION; CHAPTER 80—EQUESTRIAN OVERLAY ZONE; CHAPTER 95—TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 105—PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115—MISCELLANEOUS STANDARDS; CHAPTER 117—PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 130—REZONES; CHAPTER 142—DESIGN REVIEW; CHAPTER 150—PROCESS IIA; CHAPTER 160—PROCESS IV; CHAPTER 161—PROCESS IVA; AND CHAPTER 180—PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by 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. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as thirty days after publication of said summary for all amendments except Section 5.10.326.5, Multiple Zoning Districts – Garage Setback Requirements, and Section 115.43, whose effective dates shall be one-hundred and twenty days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the _____ day of _____, 2007.

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

Attest:

_____
City Clerk

ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and Houghton Community Council; and.

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

Section 1. Municipal Code text amended: The following specified sections of the text of the Municipal Code be and they hereby are amended to read as follows:

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 thirty (30) days from and 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

ATTACHMENT A

MUNICIPAL CODE AMENDMENTS

File No. ZON06-00033

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Municipal Code, that is to be deleted.

- Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.

TITLE 19 – STREETS AND SIDEWALKS

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) *No change*.

TITLE 22 – SUBDIVISIONS

22.04.020 Lot line alterations exempt

(a) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division, is exempt from the provisions of this title unless

the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the zoning district in which the property is located as identified on the zoning map ~~of the zoning code~~.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the planning director, on a form provided by the city, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and Chapter 58.17 RCW (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) of this section and the following requirements:

(1) All requirements of the zoning code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.

(2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 of the Zoning Code to, a street providing access to the lot or parcel.

~~(2)~~ (3) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the planning director.

~~(d) Lot line alterations shall not be considered where the proposed boundary line adjustment would cause a major change in the nature of the real property, including change of access, substantial change in the degree of lot line orientation, changes inconsistent with the platting pattern, and where a structure straddles an existing boundary line and the proposed lot line alteration would move the boundary line and create a separate building site. (Ord. 3705 § 2 (part), 1999).~~

22.04.040 Binding site plan approval – Criteria

A division of land is a binding site plan under this section if it meets all of the following criteria:

(a) The division is for the purposes outlined in RCW 58.17.035;

~~(a)~~(b) The city ~~council~~ approves the ~~a~~ site plan as part of a ~~discretionary~~ zoning or ~~other similar~~ building ~~land use~~ permit ~~that involves a public hearing before either the planning commission or hearing examiner~~;

~~(b)~~(c) The site plan is shown to a scale of one inch equals twenty feet;

~~(c)~~(d) The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;

~~(d)~~(e) The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by the city ~~council~~;

~~(e)~~(f) The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;

(g) The Planning Director verifies that the site plan conforms to the requirements of this section; and

~~(f)~~(h) The site plan is recorded in the King County department of elections and records to run with the subject property.

22.04.045 Binding site plan approval – Alterations and vacations.

Proposals for ~~A~~alterations and vacations of binding site plans shall be reviewed by the Planning Director using the criteria in Section 22.04.040 ~~follow the procedural requirements outlined in Chapter 22.26 of this code~~.

22.08.030 Binding site plan.

"Binding site plan" means a drawing to the scale of one inch equals twenty feet which:

(a) Is for the purposes outlined in RCW 58.17.035;

~~(a)~~(b) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;

~~(b)~~(c) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a ~~discretionary~~ zoning or building permit approval ~~review~~ process ~~and approved by city council~~; and

~~(c)~~(d) Contains provisions making any development be in conformity with the site plan. (Ord. 3705 § 2 (part), 1999)

22.12 Preliminary Plat Procedure

22.12.020 Application—Contents.

The applicant may apply for a subdivision by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~A boundary survey of the proposed plat certified by a registered land surveyor together with five prints of the proposed preliminary plat drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:~~

~~(1) Proposed name of the plat;~~

~~(2) Location by section, township, range, and/or by other legal description;~~

~~(3) Name, address and phone number of the applicant and agent, if any;~~

~~(4) Name, address and phone number of the registered land surveyor preparing the plat;~~

~~(5) Scale of plat, date and north arrow;~~

~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~

~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to certify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such a report later in the processing of the application;~~

~~(8) Zoning classification of the property and adjoining properties;~~

~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed plat;~~

~~(11) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(12) Layout of proposed rights-of-way and easements;~~

~~(13) Layout, number and dimensions of proposed lots;~~

~~(14) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~

~~(15) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~

~~(b) Exterior boundary corners shall be indicated on the ground. Staking of proposed interior lot corners may also be required;~~

~~(c) Address labels obtained from King County containing the names and addresses of the owners of all property, including the subject property, and all other property within three hundred feet of any boundary of the proposed subdivision and any adjoining property owned by the owner of the land proposed to be subdivided. These labels shall be no more than six months old;~~

~~(d) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed subdivision. These labels may be prepared by the subdivision applicant;~~

~~(e) A copy of the King County assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~

~~(f) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name of all persons and entities holding any ownership interest in the property;~~

~~(g) The written certification of availability from the agency other than the city furnishing or reviewing sewage disposal and water supply;~~

~~(h) Any additional information required by the planning official;~~

~~(i)~~ (b) The filing fee as established by ordinance;

~~(j)~~ (c) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)

(d) Any additional pertinent information required at the discretion of the public works or planning directors.

~~22.12.100 Staff report—Distribution to Houghton community council.~~

~~If the Houghton community council holds a hearing on the matter, the planning official shall, prior to the community council hearing, distribute the staff report as follows:~~

~~(a) A copy will be sent to each member of the community council.~~

~~(b) A copy will be sent to the applicant. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.110 Houghton community council hearing—When.~~

~~If the application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to the hearing examiner hearing on the matter. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.120 Houghton community council hearing—Notice.~~

~~The planning official shall give public notice of the hearing as set forth in Section 22.12.070. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.130 Houghton community council hearing—Recommendation.~~

~~Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the hearing examiner before the hearing examiner makes his/her recommendation to the city council. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.140 Houghton community council hearing—Electronic sound recording.~~

~~The community council shall make a complete electronic sound recording of each public hearing. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.370 Preliminary plat approval within Houghton community council jurisdiction.~~

~~If the city council approves a preliminary plat within the disapproval jurisdiction of the Houghton community council, that approval is not effective until:~~

~~(a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or~~

~~(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution approving the preliminary plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)~~

22.16 Final Plat

22.16.030 Final plat—Contents.

The applicant shall submit a final plat containing the ~~following~~ information specified by the Planning Department. The Planning Department is hereby authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~Proposed name of the plat~~;

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~

~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed 0.005/n, where n equals number of sides and/or curves of a lot;~~

~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~

~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~

~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~

~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners;~~

~~(p) A full and correct legal description of the property;~~

~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the hearing examiner and the city council;~~

~~(r) The signatures on the final plat document of all persons and entities having an ownership interest in the property which shall be in reproducible black ink;~~

~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~

~~(t)~~ (b) The filing fee as established by ordinance;

(c) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)

~~22.16.040 Final plat—Additional information.~~

~~(a) The applicant must submit the following information with the final plat:~~

~~(1) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(2) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(3) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (5) have been paid, satisfied or discharged;~~

~~(4) A certificate stating that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated. Such certificate and separate dedication instrument, if applicable, shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided.~~

~~(5) A title company certification which is not more than thirty calendar days old containing:~~

~~(A) A legal description of the total parcel sought to be subdivided; and~~

~~(B) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(C) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(D) Any encumbrances on the property; and~~

~~(E) Any delinquent taxes or assessments on the property;~~

~~(6) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Section 22.32.080;~~

~~(b) If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required. (Ord. 3705 § 2 (part), 1999)~~

22.20 Short Plat Procedure

22.20.025 Minor modifications.

(1) Modifications to short subdivisions after approval ~~and prior to recording~~ shall require a new short subdivision application pursuant to this chapter unless such modifications constitute minor modifications under the following criteria:

(a) The modification complies with all of the requirements of this Chapter; and

~~(a)~~ (b) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and

~~(b)~~ (c) The planning director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and

~~(c)~~ (d) The modification will not increase the number of lots; and

~~(d)~~ (e) The modification will not significantly alter any condition of approval.

The consideration of the minor modification shall be made upon written request to the planning department. The planning director's decision will be the final decision of the city. (Ord. 3705 § 2 (part), 1999)

(2) If a minor modification is approved after recording, the revised mylar shall meet the standards specified in WAC332-130-050 regarding survey maps.

22.20.050 Application—Contents.*

The applicant may apply for a short subdivision by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding short plats;

~~(b) A boundary survey of (a) A certified boundary survey of the proposed plat, including five prints of the proposed plat drawn on a standard eighteen-inch by twenty-four-inch mylar at a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:~~

~~(1) Proposed name of the short plat;~~

~~(2) Location by section, township, range, and/or other legal description;~~

~~(3) A boundary survey prepared by a registered land surveyor licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(4) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070; (5) Mathematical lot closures shall be submitted showing error of closures not to exceed 0.005/n, where n equals the number of sides and/or curves of a lot;~~

~~(6) Name, address and phone number of the applicant and agent, if any;~~

~~(7) Name, address and phone number of the registered land surveyor preparing the short plat;~~

~~(8) Scale of short plat, date and north arrow;~~

~~(9) Existing topography of the property indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed short plat exceeds fifteen percent;~~

~~(10) Location and extent of significant natural features such as streams, wetlands, and water bodies on and immediately adjacent to the property;~~

~~(11) The required information as set forth in Chapter 95 of the zoning code, Tree Management and Required Landscaping;~~

~~(12) Zoning classification of the property and adjoining properties;~~

~~(13) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(14) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed short plat;~~

~~(15) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(16) Layout, name and dimensions of proposed rights-of-way and easements;~~

~~(17) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;~~

~~(18) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimension and square footage of said parcels;~~

~~(19) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines, if they are within twenty feet of existing or proposed lot lines;~~

~~(b) A vicinity map at a scale of one inch equals four hundred feet or larger showing the proposed short subdivision's relation to the area for a distance of at least three hundred feet on which the subject property is outlined with a bold or colored line;~~

~~(c) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the short plat application. The certificate must include the name of all persons holding any ownership interest in the property;~~

~~(d) Any additional information required by the planning official;~~

~~(e)~~ (b) The filing fee as established by ordinance;

~~(f)~~ (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 4011 § 1, 2005: Ord. 3705 § 2 (part), 1999)

(d) Any additional pertinent information required at the discretion of the public works or planning directors.

22.20.245 Appeal to city council—When.

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed for future connection) or the opening of an existing but previously unopened right-of-way; or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in Sections 145.60 through 145.110 of Title 23 of this code will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted. (Ord. 3705 § 2 (part), 1999)

22.26 Alteration and Vacation of Plats

22.26.050 Application—Contents.

The applicant may apply for an alteration or vacation of a plat by submitting ~~the following~~ information to the planning department on the forms provided by that department. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding plat alterations and vacations; ~~A boundary survey of the proposed alteration or vacation certified by a licensed land surveyor together with five prints of the proposed plat alteration or vacation drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals containing the following information:~~

~~(1) Name of the plat;~~

~~(2) Location by section, township, range, and/or by other legal description;~~

~~(3) Name, address and phone number of the applicant and agent, if any;~~

~~(4) Name, address and phone number of registered land surveyor preparing the plat;~~

~~(5) Scale of plat, date and north arrow;~~

~~(6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;~~

~~(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the zoning code, and water bodies on and immediately adjacent to the property; a report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the city may require such report later in the processing of the application;~~

~~(8) Zoning classification of the property and adjoining properties;~~

~~(9) The lot lines of adjoining properties for a distance of at least fifty feet;~~

~~(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the plat alteration or vacation map;~~

~~(11) Existing and proposed water, sewer, power, and drainage systems on, under, or over the property, showing size, grades, and location;~~

~~(12) The area to be altered or vacated, using words and illustrations which are depicted on the plat mylar;~~

~~(13) Layout of proposed rights-of-way and easements;~~

~~(14) Layout, number and dimensions of proposed lots;~~

~~(15) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;~~

~~(16) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;~~

~~(17) Exterior boundary corners shall be indicated on the ground;~~

~~(b) Address labels obtained from the county containing the names and addresses of the owners of all property within three hundred feet of any boundary of the proposed plat alteration or vacation and any adjoining property owned by the owner of the land proposed to be altered or vacated;~~

~~(c) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed plat alteration or vacation. These labels may be prepared by the applicant;~~

~~(d) A copy of the county assessor's map identifying the properties specified in subsections (b) and (c) of this section;~~

~~(e)~~ (b) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;

~~(f)~~ (c) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or

alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

~~(g) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name(s) of all persons holding any ownership interest in the property;~~

~~(h) Any additional information required by the planning official;~~

~~(i)~~ (d) The filing fee as established by ordinance;

~~(j)~~ (e) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)

(f) Any additional pertinent information required at the discretion of the public works or planning directors.

~~22.26.460 Documents—Contents.~~

~~The applicant shall submit a plat alteration document containing the following information:~~

~~(a) Name of the plat alteration;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat alteration mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~22.26.470 Documents—Accompanying information.~~

~~The applicant must submit the following information with the plat alteration:~~

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat alteration has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the dedicated lands;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 through 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.680 Vacation documents—Contents.~~

~~The applicant shall submit a plat vacation document containing the following information:~~

~~(a) Proposed name of the plat;~~

~~(b) Location by section, township, range and/or by other legal description;~~

~~(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate~~

~~System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;~~

~~(d) The name and seal of the registered land surveyor responsible for preparation of the plat and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners, shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat vacation mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;~~

~~(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;~~

~~(f) The boundary lines of the plat, based on accurate traverse, with angular and linear dimensions;~~

~~(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;~~

~~(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;~~

~~(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;~~

~~(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;~~

~~(k) Mathematical lot closures shall be submitted showing error of closures not to exceed 0.005/n, where n equals the number of sides and/or curves of a lot;~~

~~(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;~~

~~(m) Accurate locations of all monuments at such locations as required by the public works department;~~

~~(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;~~

~~(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication, and/or any area to be reserved by deed covenant for common uses of all property owners;~~

~~(p) A full and correct legal description of the property;~~

~~(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;~~

~~(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;~~

~~(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;~~

~~(t) Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~

~~22.26.690 Vacation documents—Accompanying information.~~

~~The applicant must submit the following information with the plat vacation prior to recording:~~

~~(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;~~

~~(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;~~

~~(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (e) of this section have been paid, satisfied or discharged;~~

~~(d) A certificate stating that the plat vacation has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the rights-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided;~~

~~(e) A title company certification which is not more than thirty calendar days old containing:~~

~~(1) A legal description of the total parcel sought to be subdivided; and~~

~~(2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and~~

~~(3) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and~~

~~(4) Any encumbrances on the property; and~~

~~(5) Any delinquent taxes or assessments on the property.~~

~~If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;~~

~~(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

22.28.050 Lots—Dimensions.

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to subject lot. For lots smaller than 5,000 square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 3705 § 2 (part), 1999)

22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the zoning code, including Chapter 115.80, Legal Building Site, and Chapter ~~115.10~~ 105.10, Vehicular Access Easement ~~of~~ or Tract Standards. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However, if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot. (Ord. 3705 § 2 (part), 1999)

22.32.030 Stormwater control system—Requirements.

The applicant shall comply with the construction phase and permanent stormwater control requirements of the ~~zoning code~~ Municipal Code. Generally, permanent stormwater control systems must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the city can require or approve stormwater control systems designed and installed for individual lots or groups of lots within the proposed plat. (Ord. 3705 § 2 (part), 1999)

ORDINANCE NO. 4122
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19—STREETS AND SIDEWALKS AND TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

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

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by 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. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as thirty days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the _____ day of _____, 2007.

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

Attest:

_____
City Clerk