ORDINANCE NO. 4193

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 KZC; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1 – USER GUIDE; CHAPTER 5 – DEFINITIONS; CHAPTER 17 – RSX ZONES; CHAPTER 20 – RM ZONES; CHAPTER 45 – BC ZONES; CHAPTER 47 – BCX ZONES; CHAPTER 48 – LIT ZONES; CHAPTER 49 - PARK ZONE; CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS STANDARDS; CHAPTER 117 – PERSONAL WIRELESS FACILITIES; CHAPTER 142 – DESIGN REVIEW; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; CHAPTER 155 – PROCESS III; CHAPTER 160 – PROCESS IV; CHAPTER 161 – PROCESS IVA; CHAPTER 162 – NONCONFORMANCE; CHAPTER 175 – BONDS; AMENDING PORTIONS OF THE FOLLOWING TITLE OF THE MUNICIPAL CODE: TITLE 24.02 SEPA PROCEDURES AND POLICIES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00002.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Director a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, and Kirkland Municipal Code all as set forth in that certain reports and recommendations of the Planning Director dated April 9, 2009 and bearing Kirkland Department of Planning and Community Development File No. ZON09-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Director, following notice thereof as required by RCW 35A.63.070, on March 23, 2009, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; 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 Director; 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. Municipal Code text amended: The following specified sections of the text of the Municipal Code are hereby amended to read as follows:

As set forth in Attachment B attached to this ordinance and incorporated herein by this reference.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. 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 5. Except as provided in Section 4, 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 6 . 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 21st day of April, 2009.

SIGNED IN AUTHENTICATION thereof this 21st day of April, 2009.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Attachment A

Chapter 1 – User Guide

1.05

How To Use This Code

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

1. Find the subject property on the Zoning Map. The subject property will be located within a use zone such as RS 7.2, for example.~~within one of the following use zones sequentially listed:~~

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

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

5.10 Definitions

.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 4C; TL 5; TL 6A; TL 6B; and TL 8.

.223 Distribute – To provide notice and information or the location of notice and information to persons via postal mail or electronically.

.361 High Density Use – Detached, attached, or stacked dwelling units on a subject property that contains less than 3,600 square feet of land per dwelling unit.

.485 Low Density Use – A detached dwelling unit on a subject property that contains at least 5,000 square feet of land; or attached or stacked dwelling units on a subject property that contains at least 7,200 square feet of land per dwelling unit.

.515 Medium Density Use – Detached dwelling units on a subject property that contains at least 3,600 square feet of land per dwelling unit but not more than 4,999 square feet of land per dwelling unit; or ~~Detached,~~ attached, or stacked dwelling units on a subject property that ~~which~~ contains at least 3,600 square feet of land per dwelling unit but not more than 7,199 square feet of land per dwelling unit.

.757~~.728~~Readerboard – A sign or part of a sign specifically designed to allow for the convenient display of temporary messages without alteration of the sign field, and on which the letters are readily replaceable such that the copy can be changed from time to time at will, either by hand or through electronic programming. *(renumber only)*

.960 Use Zone – The zoning designations on the Zoning Map such as RS 7.2, for example. ~~as follows:~~

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

~~WD II~~		~~TL 3A~~	~~PLA 6F~~
~~WD III~~	~~JBD 1~~	~~TL 3B~~	~~PLA 6G~~
	~~JBD 2~~	~~TL 3C~~	~~PLA 6H~~
~~PR 8.5~~	~~JBD 3~~	~~TL 3D~~	~~PLA 6I~~
~~PR 5.0~~	~~JBD 4~~	~~TL 4A~~	~~PLA 6J~~
~~PR 3.6~~	~~JBD 5~~	~~TL 4B~~	~~PLA 6K~~
~~PR 2.4~~	~~JBD 6~~	~~TL 4C~~	~~PLA 7A~~
~~PR 1.8~~		~~TL 5~~	~~PLA 7B~~
	~~RH 1A~~	~~TL 6A~~	~~PLA 7C~~
~~PO~~	~~RH 1B~~	~~TL 6B~~	~~PLA 9~~
	~~RH 2A~~	~~TL 7~~	~~PLA 15A~~
~~FC III~~	~~RH 2B~~	~~TL 8~~	~~PLA 15B~~
	~~RH 2C~~	~~TL 10A~~	~~PLA 16~~
~~BN~~	~~RH 3~~	~~TL 10B~~	~~PLA 17~~
~~BC~~	~~RH 4~~	~~TL 10C~~	~~PLA 17A~~
~~BCX~~	~~RH 5A~~	~~TL 10D~~	

Chapter 17 – Single Family Residential Annexation (RSX) Zones (see Attachment A).

17.10.020 Church – Amend Use Zone Chart Special Regulation 2 as follows:

2. Minimum lot size is as follows:
   a. In RSX 35 zones, the minimum lot size is 35,000 square feet.
   b. In RSX 12.5 zones, the minimum lot size is 12,500 square feet.
   c. In RSX 8.5 zones, the minimum lot size is 8,500 square feet.
   d. In RSX 7.2 zones, the minimum lot size is 7,200 square feet.
   e. In RSX 5.0 zones the minimum lot size is 5,000 square feet.

17.10.030 School or Day-Care Center – Amend Use Zone Chart Special Regulations 2 and 9 as follows:

2. Minimum lot size is as follows:
   a. In RSX 35 zones, the minimum lot size is 35,000 square feet.
   b. In RSX 12.5 zones, the minimum lot size is 12,500 square feet.
   c. In RSX 8.5 zones, the minimum lot size is 8,500 square feet.
   d. In RSX 7.2 zones, the minimum lot size is 7,200 square feet.
   e. In RSX 5.0 zones the minimum lot size is 5,000 square feet.

9. Electrical signs shall not be permitted except at Lake Washington and Juanita High Schools. One pedestal sign with a readerboard having electronic programming is allowed at each high school only if:
   a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
   b. The electronic readerboard is no more than 50% of the sign area;
   c. Moving graphics and text or video are not part of the sign;

d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
e. The electronic readerboard displays messages regarding public service announcements or school events only;
f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
g. The electronic readerboard is turned off between 10 PM and 6 AM;
h. It is located to have the least impact on surrounding residential properties.
If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

17.10.080 Government Facility Community Facility – Add a new Special Regulation 4.

4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
b. The electronic readerboard is no more than 50% of the sign area;
c. Moving graphics and text or video are not part of the sign;
d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
e. The electronic readerboard displays messages regarding public service announcements or City events only;
f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
g. The electronic readerboard is turned off between 10 PM and 6 AM except during emergencies;
h. It is located to have the least impact on surrounding residential properties.
If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

Chapter 20 – Multifamily Residential (RM) Zones

20.10.110 Government Facility Community Facility – Add a new Special Regulation 4.

4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
b. The electronic readerboard is no more than 50% of the sign area;
c. Moving graphics and text or video are not part of the sign;

d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit
of the adjacent right-of-way;
e. The electronic readerboard displays messages regarding public service announcements or City events only;
f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
g. The electronic readerboard is turned off between 10 PM and 6 AM except during emergencies;
h. It is located to have the least impact on surrounding residential properties.
If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

Chapter 45 – Community Business (BC) Zones

45.10.130 School or Day-Care Center - Amend the Use Zone Chart to change Required Yards – Front from 30′ to 20′ (see Attachment 1).

45.10.150 Assisted Living Facility –Delete Use Zone Chart Special Regulation 3.

~~3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 ½ times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:~~
~~a. Project is of superior design, and~~
~~b. Project will not create impacts that are substantially different than would be created by permitted multifamily development.~~
34~~.~~ *(no change)*
45~~.~~ *(no change)*

45.10.160 Convalescent Center or Nursing Home - Amend the Use Zone Chart to change Required Yards – Front from 30′ to 20′ (see Attachment 2).

Chapter 47 – Community Business Annexation (BCX) Zone

47.08 GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:
1. *(No change)*
2. *(No change)*
~~3. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:~~
~~a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent~~

~~that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.~~

~~b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the Public Pedestrian Access and Public Use areas.~~

~~c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.~~

3~~4~~. *(No change)*
4~~5~~. *(No change)*
5~~6~~. *(No change)*

Chapter 48 – Light Industrial Technology (LIT) Zones

48.15.220 Commercial Recreation Area and Use – delete this use listing entirely (see Attachment 3).

Chapter 49 – Park Zone

49.15.030 Government Facility Community Facility – Add a new Special Regulation 2.

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

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

Chapter 95 – Tree Management and Required Landscaping

95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

Caliper – Limit of Disturbance *(no change)*

Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists and for Forest Management Plans may be a certified forester by the Society of American Foresters. A qualified professional must possess the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. In addition, arborists making recommendations for tree removals within critical areas must have Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the ISA or equivalent qualifications. For Forest Management Plans, the qualified professional must have the ability to assess wooded sites and prescribe measures for forest health and safety.

Significant Tree – Windfirm *(no change)*

95.35.2.b Tree Plan and Retention Requirements. *(no change)*

1) Tree Plan I. Tree Plan I is required for a development permit or land surface modification resulting in site disturbance for one or two attached, detached, or stacked dwelling units.

a) *(no change)*

b) Tree Plan Requirements. The tree plan shall include the following:
i.-v. *(no change)*
vi. For Tree Plan I – Major, ~~assessment~~ a report by a qualified professional that contains findings, conclusions and recommendations shall be required if any significant trees are in required yards or within 10 feet of any side property line on the subject property.

c), d), e) *(no change)*

2)-5) *(no change)*

95.35.3.c With respect to Level IV and Level V Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 calendar days following the ~~postmark~~ date of distribution of a Planning Official's decision. The office

of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed.

Chapter 100 – Signs

100.55

Development Containing Uses in More Than One Sign Category

If the subject property contains a mix of commercial and residential uses, the residential uses must comply with Sign Category A and the commercial uses must comply with the sign category assigned to the commercial uses that predominate on the subject property. Within mixed use projects, residential uses may have electrical signs (except on designated corridors) only if the electrical signs are attached to areas of the building associated with the commercial uses.

In all other cases, if~~If~~ the subject property contains uses assigned to different sign categories, the signs for the entire development must comply with the sign category assigned to the uses that predominate on the subject property.

Chapter 115 – Miscellaneous Use Development and Performance Standards

Sections:

115.05 User Guide
115.07 Accessory Dwelling Units
115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
115.10 Accessory Uses, Facilities and Activities
115.15 Air Quality Regulations
115.20 Animals in Residential Zones
115.23 Common Recreational Space Requirements for Certain Residential Uses
115.25 Development Activities and Heavy Equipment Operation – Limitations On
115.30 Distance Between Structures/Adjacency to Institutional Use
115.35 Erosion and Sedimentation Regulation
115.40 Fences
115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones
115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
115.45 Garbage and Recycling Receptacles and Enclosures – Storage space, Placement and Screening
115.47 Loading and Service Areas Placement and Screening
115.50 Glare Regulation
115.55 Heat Regulation
115.59 Height Regulations – Calculating Average Building Elevation (ABE)
115.60 Height Regulations – Exceptions
115.65 Home Occupations
115.70 Junk and Junk Yards Prohibited

115.80 Legal Building Site
115.85 Lighting Regulations
115.90 Calculating Lot Coverage
115.95 Noise Regulations
115.100 Odor
115.105 Outdoor Use, Activity and Storage
115.110 Radiation
115.115 Required Yards
115.120 Rooftop Appurtenances
115.125 Rounding of Fractions of Dwelling Units
115.135 Sight Distance at Intersections
115.138 Temporary Storage Containers
115.140 Temporary Trailers for Construction and Real Estate Sales Offices
115.142 Transit Shelters and Centers, Public
115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

115.07 Accessory Dwelling Units

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

1. – 10. *(no change)*

11. Permitting

a. *(no change)*

b. *(no change)*

~~c. Preexisting Units – That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:~~

~~1) An application for an accessory dwelling permit is filed by December 31, 1997;~~

~~2) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in subsection (7) of this section.~~

c~~d~~. *(no change)*

115.45

Garbage and Recycling Receptacles **and Enclosures – Storage Space,** Placement and Screening

1. Purpose and Intent – The purpose of these regulations is to ensure the provision of areas for the collection, storage, loading and pickup of garbage and recyclable materials by requiring that adequate and convenient space is functionally located at all new projects, except as exempted in 115.45.5.

2 Storage Space – Space provided for garbage and recycling receptacles shall comply with Public Works Pre-approved Plans and Policies.

3~~1~~. Placement – Garbage and recycling receptacles must comply with the following:

a. Be set back a minimum of five feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines; or

b. Comply with the setbacks established for the use with which they are associated;

c. Be located outside landscape buffers required by Chapter 95 KZC;

d. Be located to minimize visibility from any street, pedestrian walkway, or public park; and

e. Be located to provide convenient and safe access for residents, service vehicles and employees.

4~~2~~. Screening – Garbage and recycling receptacles must be screened from view from the street and from adjacent properties by a solid screening enclosure. The screening shall meet or exceed the standards established in the Public Works Pre-approved Plans and Policies.

5~~3~~. Exemptions

a. ~~Garbage receptacles for detached~~Detached dwelling units, two/three-unit homes~~duplexes~~, moorage facilities, parks, and construction sites are exempt from the ~~placement and screening~~ requirements of this section.

b. A Public Works official may approve an exemption to the requirements of this section if the applicant proposes alternative, workable measures that meet the intent of this section.

Chapter 117 - Personal Wireless Facilities

Sections:
117.05 User Guide
117.10 Policy Statement
117.15 Definitions
117.20 Applicability

117.25 Exemptions
117.30 Prohibited Devices
117.35 Permit Required
117.40 Application Review Process
117.45 Pre-Submittal Meeting
117.50 Application Requirements
117.55 Determination of Application Completeness
117.60 Third Party Review
117.65 PWSF Standards
117.70 Equipment Structure Standards
117.75 Screening
117.80 Departures from Chapter Provisions
117.85 Nonuse/Abandonment
117.90 Removal from City Property – When Required
117.95 Appeals and Judicial Review
117.100 Lapse of Approval
117.105 Complete Compliance Required
117.110 Time Limit
117.115 Compliance with Other City Codes
117.120 Conflict
117.125 Violations and City Remedies
117.130 Bonds

117.130 Bonds

The Planning Official may require a bond under chapter 175 KZC to ensure compliance with any aspect of this chapter.

Chapter 127 – Temporary Use

127.42 Notice Requirements for Homeless Encampments

1. *(no change)*

2. A Notice of Application for Homeless Encampment shall be provided prior to the Planning Director's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e. City website). The Planning Department shall distribute this notice as follows:

a. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the Planning Director's decision.

b. ~~A copy of the~~The notice, or a summary thereof, will be distributed ~~mailed~~ to owners of all property within 500 feet of any boundary of the subject

property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the Planning Director's decision.

c. If located within the jurisdiction of the Houghton Community Council, ~~a copy of~~ the notice shall be distributed ~~mailed~~ to the members of the Community Council at least 14 calendar days prior to the Planning Director's decision.

d. The notice will be posted on the City's web site.

3. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning Director and appeal procedure and be distributed ~~mailed~~ as required for notice of application within four business days after the decision.

Chapter 142 – Design Review

142.35

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

1.-7. *(no change)*

8. Public Notice

a. *(no change)*

b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

1) By distributing ~~mailing~~ the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.

2) By publishing~~Publish~~ once in the official newspaper of the City.

3) By requiring the applicant to erect a public notice sign(s) conspicuously on or near the subject property as follows:

- The sign(s) shall be designed and constructed to City standards. A copy of the notice described in subsection (a.) of this section and a site plan and/or vicinity map shall be attached to each sign.

- The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

- One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of

Planning and Community Development shall approve the location of each sign.

- The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

~~Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.~~

4) By posting the notice on the City's web site.

9. *(no change)*

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the ~~postmarked~~ date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – (*no change)*

Additional Approval Provision for RHBD – *(no change)*

142.40

Appeals of Design Review Board Decisions

1.-2. *(no change)*

3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the ~~postmarked~~ date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

4. *(no change)*

5. Notice

   a. *(no change)*

   b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall distribute ~~send a copy or a summary of~~ this notice, or a summary thereof, to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6.-7. *(no change)*

8. Staff Report on the Appeal

   a. *(no change)*

   b. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute ~~copies of~~ the staff report to the hearing body or officer, the appellant, and the applicant.

9.-11. *(no change)*

Chapter 145 – Process I

145.22

Notice of Application and Comment Period

1. *(no change)*

2. Distribution

   a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

      1) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

      2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

      3) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed~~mailed~~ to the residents of each piece of~~adjoining~~ property adjacent to or directly across the street from the subject property~~, using mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City~~.

4) The notice will be posted on the City's web site.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a site plan and/or vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) ~~The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~

~~4~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

145.45 Planning Director's Decision

1.-4. *(no change)*

5. Notice of Decision – Within four business days after the Planning Director's written decision is issued, the Planning Official shall distribute ~~mail a copy of~~ the decision or summary thereof, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, to the following persons:

a. The applicant.

b. Each person who submitted written comments or information on the application. The Planning Official is not required to distribute~~send~~ a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

c. Each person who has requested notice of the decision.

The decision shall be posted on the City's web site.~~In addition, within four business days after the Planning Director's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 145.22(2)(b).~~

6. *(no change)*

145.60

Appeals

1. *(no change)*

2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the ~~postmarked~~ date of distribution of the Planning Director's decision; provided, that the appeal letter must be delivered to the Planning Department within 21 calendar days of the ~~postmarked~~ date of distribution of the Planning Director's decision if state or local rules adopted pursuant to SEPA allow for public comment on a declaration of nonsignificance issued on the proposed development activity; and provided further, that if the fourteenth or twenty-first day, as applicable, of the appeal period falls on a Saturday, Sunday, or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. It must contain:

   a. A clear reference to the matter being appealed; and

   b. A statement of the specific elements of the Planning Director's decision disputed by the person filing the appeal.

3.-4. *(no change)*

145.70 Participation in the Appeal

Only those persons entitled to appeal the decision under KZC 145.60 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.-2. *(no change)*

145.80 Staff Report on the Appeal

1. *(no change)*

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute ~~copies of~~ the staff report to the following persons~~as follows~~:

   a. ~~A copy will be sent to the~~The Hearing Examiner.

b. ~~A copy will be sent to the~~The applicant.

c. ~~A copy will be sent to the~~The person who filed the appeal.

d. ~~A copy will be sent to any~~Any person who received ~~a copy of~~ the Director's decision.

145.105 Decision on the Appeal

1.-2. *(no change)*

3. Notice of Decision – Within four business days after it is issued, the Hearing Examiner shall distribute ~~mail a copy of~~ his/her decision or summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

a. The applicant.

b. The person who filed the appeal.

c. All other persons who participated in the appeal.

d. Each person who has requested notice of the decision.

The decision shall be posted on the City's web site.~~In addition, within four calendar days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 145.22(2)(b).~~

4. *(no change)*

Chapter 150 – Process IIA

150.22 Notice of Application

1. *(no change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each

piece of property adjacent to or directly across the street from the subject property.

3) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

5) ~~A copy of the~~The notice will be distributed ~~sent~~ to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's web site.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a site plan and/or vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) ~~The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~

~~4~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

150.30 Notice of Hearing

1. *(no change)*

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

   a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

   b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.

   c. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

   d. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

   e. The notice will be posted on the City's web site.~~A copy of the notice will be posted on each of the public notice signs erected under KZC 150.22(2).~~

3. *(no change)*

150.35 Staff Report

1. *(no change)*

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following persons~~as follows~~:

   a. ~~A copy will be sent to the~~The Hearing Examiner.

   b. ~~copy will be sent to the~~The applicant.

150.65 Hearing Examiner's Decision

1.-5. *(no change)*

6. Notice of Decision – Within four business days after the Hearing Examiner's written decision is issued, the Planning Official shall distribute ~~mail a copy of~~ the decision, or a summary thereof, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter to the following parties:

   a. The applicant.

   b. Each person who submitted written or oral testimony to the Hearing Examiner on the application. The Planning Official is not required to

distribute ~~send~~ a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

c. Each person who has requested notice of the decision.

The decision shall be posted on the City's web site.~~In addition, within four business days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 150.22(2)(b).~~

7. *(no change)*

150.80

Appeals

1. *(no change)*

2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the ~~postmarked~~ date of distribution of the Hearing Examiner's decision; provided, that the appeal letter must be delivered to the Planning Department within 21 calendar days of the ~~postmarked~~ date of distribution of the Hearing Examiner's decision if state or local rules adopted pursuant to SEPA allow for public comment on a declaration of nonsignificance issued on the proposed development activity; and provided further, that if the fourteenth or twenty-first day, as applicable, of the appeal period falls on a Saturday, Sunday, or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. It must contain:

   a. A clear reference to the matter being appealed; and

   b. A statement of the specific factual findings and conclusions of the Hearing Examiner disputed by the person filing the appeal.

3.-4. (*no change)*

150.85

Notice of Consideration of the Appeal

1. *(no change)*

2. Distribution – At least 14 calendar days before the City Council consideration of the appeal, the Planning Official shall distribute ~~send a copy or a summary of~~ this notice, or a summary thereof, to each person entitled to appeal the decision under KZC 150.80(1).

150.100

Staff Report on the Appeal

1. *(no change)*

2. Distribution – The Planning Official shall distribute ~~copies of~~ the staff report as follows:

   a. Prior to the City Council's consideration of the appeal, the staff report ~~a copy~~ will be distributed ~~sent~~ to each member of the City Council.

   b. At least seven calendar days before the City Council's consideration of the appeal, the staff report ~~a copy~~ will be distributed ~~sent~~ to:

      1) The applicant;

      2) The person who filed the appeal; and

      3) ~~A copy will be sent to any~~Any person who received ~~a copy of~~ the Hearing Examiner's decision.

150.125

Decision on the Appeal

Within 60 calendar days of the date the letter of appeal was filed under KZC 150.80 and after considering all arguments within the scope of the appeal submitted by persons entitled to participate in the appeal, City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

1.-3. *(no change)*

4. Notice of Decision

   a. *(no change)*

   b. Distribution – Within four business days after the City Council's decision is made, the Planning Official shall distribute ~~mail a copy of~~ the decision, or summary thereof, along with a summary of any threshold determination under SEPA to the following persons:

      1) The applicant.

      2) The person who filed the appeal.

      3) Each person who submitted written or oral comments to the City Council.

      4) Each person who has requested notices of the decision.

   The decision shall be posted on the City's web site.~~In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold~~

~~determination under SEPA, on the public notice signs erected under KZC 150.22(2)(b).~~

5. *(no change)*

Chapter 152 – Process IIB

152.22

Notice of Application

1. *(no change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

5) ~~A copy of the~~The notice, or a summary thereof, will be distributed ~~sent~~ to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's web site.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a site plan and/or vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) ~~The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~

~~4~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

152.30

Notice of Hearing

1. *(no change)*

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

   a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

   b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.

   c. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

   d. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

   e. The notice will be posted on the City's web site.~~A copy of the notice will be posted on each of the public notice signs erected under KZC 152.22(2).~~

3. *(no change)*

152.35

Staff Report

1. *(no change)*

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following persons ~~as follows~~:

   a. ~~A copy will be sent to the~~The Hearing Examiner.

   b. ~~A copy will be sent to the~~The applicant.

152.75

Distribution of Hearing Examiner's Recommendation

The Planning Official shall distribute ~~copies of~~ the recommendation of the Hearing Examiner as follows:

1.-2. *(no change)*

152.85

Challenge to the Hearing Examiner's Recommendation

1.-2. *(no change)*

3. How and When To File a Challenge

   a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within seven calendar days of the ~~postmarked~~ date of distribution of the Hearing Examiner's recommendation on the application; provided, that if the seventh day falls on a Saturday, Sunday, or legal holiday, the seventh day of the challenge period shall be extended through the next day on which the City is open for business.

   b.-d. *(no change)*

152.105

Notice of Decision

1. *(no change)*

2. Distribution – Except as provided in subsection (3) of this section, within four business days after the City Council's decision is made, the Planning Official shall distribute ~~mail a copy of~~ the decision, or a summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

   a. The applicant.

   b. Each person who submitted written or oral comments or testimony on the application. The Planning Official is not required to distribute~~send~~ a

notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

c. Each person who has requested notice of the decision.

The decision shall be posted on the City's web site.~~In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 152.22(2)(b).~~

3. *(no change)*

Chapter 155 - Process III

155.22

Notice of Application

1. *(no change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

5) ~~A copy of the~~The notice will be distributed ~~sent~~ to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's web site.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a site plan and/or vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) ~~The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~

4~~5~~) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

155.30

Notice of Hearing

1. *(no change)*

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.

b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

d. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

e. The notice will be posted on the City's web site.~~A copy of the notice will be posted on each of the public notice signs erected under KZC 155.22(2).~~

3. *(no change)*

155.35

Staff Report

1. *(no change)*

2. Distribution in General – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following~~as follows~~:

   a. ~~A copy will be sent to each~~Each member of the Planning Commission.

   b. ~~A copy will be sent to the~~The applicant.

155.75

Distribution of Planning Commission's Report Recommendation

The Planning Official shall distribute ~~copies of~~ the report of the Planning Commission as follows:

1. Within four business days following the date the Planning Commission issues its written recommendation, the report ~~a copy~~ will be distributed ~~sent~~ to the applicant, and to any persons who submitted written or oral testimony to the Planning Commission on the application. The Planning Official is not required to distribute~~send~~ a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

2. Prior to the meeting where City Council considers the application, the report ~~a copy~~ will be distributed ~~sent~~ to each member of City Council. The Planning Official shall include the following material with the copy of the Planning Commission report distributed ~~sent~~ to each City Council member:

   a.-b. *(no change)*

155.85

Challenge to the Planning Commission's Recommendation

1.-2. *(no change)*

3. How and When To File a Challenge

   a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within seven calendar days of the ~~postmarked~~ date of distribution of the Planning Commission's

recommendation on the application; provided, that if the seventh day falls on a Saturday, Sunday, or legal holiday, the seventh day of the challenge period shall be extended through the next day on which the City is open for business.

b.-d. *(no change)*

155.105

Notice of Decision

1. *(no change)*

2. Distribution – Except as provided in subsection (3) of this section, within four business days after the City Council's decision is made, the Planning Official shall distribute~~mail a copy of~~ the decision, or a summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

   a. The applicant.

   b. Each person who submitted written or oral comments or testimony on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

   c. Each person who has requested notice of the decision.

   The decision shall be posted on the City's web site.~~In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 155.22(2)(b).~~

3. *(no change)*

Chapter 160 – Process IV

160.40

Notice

1. *(no change)*

2. Distribution

   a. The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

      1) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City.

      2) ~~A copy of the~~The notice, or a summary thereof, will be posted on each of the official notification boards of the City.

3) The notice will be posted on the City's web site.

b. Public Notice Signs – If the proposal is to reclassify land on the Zoning Map, the applicant or, in the case of City-initiated proposals, the City shall provide for and erect public notice signs at least 14 calendar days before the public hearing as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map, when applicable, shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) For City-initiated proposals that involve multiple properties, one public notice sign shall be placed on an adjacent public right-of-way for properties that include up to 10 lots. For multiple properties that include more than 10 lots, a minimum of two such signs shall be placed. The Department of Planning and Community Development shall approve the location of each sign.

4) For all other proposals, one sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

5) The signs shall be removed within seven calendar days after the final public hearing.

160.45

Staff Report

1. *(no change)*

2. Distribution – The Planning Official shall distribute the staff report to the following parties~~as follows~~:

a. ~~A copy will be sent to each~~ Each member of the Planning Commission prior to the hearing.

b. ~~A copy will be sent promptly to any~~Any person requesting it.

c. If applicable, ~~a copy will be sent~~ to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.85

Planning Commission Report to City Council

1. General – The Planning Official shall prepare a Planning Commission report ~~on the proposal~~ containing ~~a copy of~~ the proposal, along with any explanatory information, and the Planning Commission recommendation, if any, on the proposal.

2. *(no change)*

3. Distribution – The Planning Official shall distribute ~~promptly send a copy of~~ the Planning Commission report to any person requesting it.

4.-5. *(no change)*

Chapter 161 – Process IVA

161.40

Notice

1. *(no change)*

2. Distribution – The Planning Official shall have this notice, or a summary thereof, published once in the official newspaper of the City at least 14 days before the public hearing. Continued hearings may be held at the discretion of the Planning Director, but no additional notices need be published.

161.45

Staff Report

1. *(no change)*

2. Distribution – The Planning Official shall distribute the staff report to the following persons ~~as follows~~:

   a. ~~A copy will be given to the~~The Planning Director prior to the hearing.

   b. ~~A copy will be sent promptly to any~~Any person requesting it.

   c. If applicable, ~~a copy will be sent~~ to each member of the Houghton Community Council.

Chapter 162 - Nonconformance

162.35

Certain Nonconformances Specifically Regulated

1.-11. *(no change)*

12. Nonconforming Paddock Areas

a. Paddock areas as required under KZC 115.20 must be brought into conformance if a proposed alteration or replacement of an existing dwelling unit on the subject property in any 12-month period exceeds 50% of the replacement cost of that dwelling unit.

b. See KZC 162.45, Prohibition on Increasing Nonconformance, for proposed modifications, alterations, or replacements of any other improvements on the subject property.

13~~12~~. Any Other Nonconformance *(no change)*

Chapter 175 - Bonds

175.25

Supplemental Administrative Costs

In addition to the bond and any consultation fees under KZC 175.20, the applicant shall post a cash deposit with the City equal to the following percentages of the amount of the bond:

Amount of Bond	Amount of Cash Deposit
Up to $20,000	5% of the bond ~~(Minimum $100.00)~~
$20,001 to $50,000	4% of the bond
$50,001 to $100,000	3% of the bond
$100,001 and up	2-1/2% of the bond

This cash deposit will be used to cover the City's actual expenses of administering, and if necessary, using the proceeds of the bond. The minimum amount of the cash deposit will be administratively set and updated.

ATTACHMENTS

1. KZC 45.10.130 (showing proposed changes)
2. KZC 45.10.160 (showing proposed changes)
3. KZC 48.15.220 (showing proposed changes)

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

Section 45.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.130	School or Day-Care Center	None	None	~~30'~~ 20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-School or Mini-Day-Care											1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

ATTACHMENT 1

Effective 5/25/09

O-4193

(Revised 4/08)
A

Zone BC

USE ZONE CHART

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

Section 45.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.150	Assisted Living Facility	None	None	Same as the regulations for the ground floor use. See Spec. Reg. 4.						A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. ~~3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:~~ ~~a. Project is of superior design, and~~ ~~b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.~~ 3 ~~4.~~ This use may not be located on the ground floor of a structure. 4 ~~5.~~ Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home			~~30'~~ 20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility			20'					A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility								C See Spec. Reg. 1			

ATTACHMENT 2

Effective 5/25/09
O-4193

(Revised 4/08)
B

Zone LIT

USE ZONE CHART

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

Section 48.15	USE ⇩	REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
~~220~~	~~Commercial Recreation~~ Area and Use		~~Within the NE 85th Street~~ Subarea, D.R., Chapter 142 KZC. Otherwise, none.	~~None~~	~~20'~~	~~0'~~	~~0'~~	~~80%~~	~~If adjoining a low density~~ zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of ~~two~~ stories, exclusive of parking levels.	A	~~E~~	~~See KZC 105.25.~~	~~1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE.~~ 2. The use ~~shall be conducted~~ within a wholly-enclosed building. ~~3. The building~~ housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. ~~4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.~~

ATTACHMENT 3

Effective 5/25/09
O-4193

(Revised 4/08)

Attachment B

KMC 24.02 SEPA Procedures and Policies

24.02.045 Definitions and abbreviations.

(a) In addition to those definitions contained within WAC 197-11-220 and WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

(1)–(4) *(no change)*

(5) "Distribute" means to provide notice and information or the location of notice and information to persons via postal mail or electronically.

~~(5)~~(6) "Improvement" means any structure or manmade feature.

~~(6)~~(7) "Recognized historical significance" means listed in the state or national register of historic places, designation as an historic landmark overlay zone, inclusion in the list of Historic Resources and Community Landmarks, Table CC-1 in the Comprehensive Plan.

(b) *(no change)*

24.02.160 Public notice.

(a) Whenever the city issues a DNS under WAC 197-11-340(2), or DS under WAC 197-11-360(3), the city shall give public notice by publishing notice, or a summary thereof, in a newspaper of general circulation in the city where the proposal is located.

(b) Whenever the city issues a mitigated DNS for a site-specific proposal requiring installation of a public notice sign for the underlying permit, the city shall give public notice by publishing notice, or a summary thereof, in a newspaper of general circulation in the city where the proposal is located, by posting notice on the City's web site~~public notice sign for the underlying permit~~, and by distributing~~mailing~~ notice to those receiving ~~mailed~~ notice of the underlying permit.

(c) The responsible official may require notice by alternative methods, as specified in WAC 197-11-510, if deemed necessary to provide public notice of impending action.

(d) Whenever the city issues a draft EIS or SEIS under WAC 197-11-455(5) or WAC 197-11-620, notice of availability of those documents shall be given by:

(1) Posting the property for site-specific proposals, pursuant to the guidelines in (b) above; and

(2) Publishing notice, or a summary thereof, in a newspaper of general circulation in the city; and

(3) Distributing~~Mailing~~ notice for site specific proposals, pursuant to the guidelines in (b) above.

24.02.230 Administrative appeals.

(a) – (f) *(no change)*

(g) Procedures for the Appeal.

(1) Notice of the Appeal Hearing.

(A) *(no change)*

(B) Distribution. At least fourteen calendar days before the hearing on the appeal, the planning official shall distribute~~send~~ a copy of this notice to each person who received a copy of the threshold determination and any person who appealed the threshold determination.

(C) The notice of appeal may be combined with the hearing notice for the underlying project permit, if applicable.

(2) *(no change)*

(3) Staff Report on the Appeal.

(A) *(no change)*

(B) *(no change)*

(C) Distribution. At least seven calendar days before the hearing, the planning official shall distribute ~~copies of~~ the staff report as follows:

(i) ~~A copy will be sent to~~ To the hearing body hearing the appeal as specified under subsection (f) above.

(ii) ~~A copy will be sent to~~ To the applicant.

(iii) ~~Copies will be sent to~~ To the persons who filed appeals.

(4)-(6) *(no change)*

(h) Decision on the Appeal.

(1) *(no change)*

(2) Issuance of Written Decision. Within eight calendar days after the public hearing, the hearing body shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body shall distribute the decision as follows:

(A) ~~A copy will be mailed to~~ To the applicant.

(B) ~~A copy will be mailed to~~ To the person who filed the appeal.

(C) ~~A copy will be mailed to~~ To all other persons or agencies who participated in the appeal.

(i) *(no change)*

PUBLICATION SUMMARY
OF ORDINANCE NO. 4193

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 KZC; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 1 – USER GUIDE; CHAPTER 5 – DEFINITIONS; CHAPTER 17 – RSX ZONES; CHAPTER 20 – RM ZONES; CHAPTER 45 – BC ZONES; CHAPTER 47 – BCX ZONES; CHAPTER 48 – LIT ZONES; CHAPTER 49 - PARK ZONE; CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS STANDARDS; CHAPTER 117 – PERSONAL WIRELESS FACILITIES; CHAPTER 142 – DESIGN REVIEW; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; CHAPTER 155 – PROCESS III; CHAPTER 160 – PROCESS IV; CHAPTER 161 – PROCESS IVA; CHAPTER 162 – NONCONFORMANCE; CHAPTER 175 – BONDS; AMENDING PORTIONS OF THE FOLLOWING TITLE OF THE MUNICIPAL CODE: TITLE 24.02 SEPA PROCEDURES AND POLICIES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00002.

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

SECTION 2. Identifies the specific amendments to the Municipal Code.
SECTION 3. Addresses severability.

SECTION 4. 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 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as thirty (30) days after publication of said summary.

SECTION 6. 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 meeting on the 21st day of April, 20 09

I certify that the foregoing is a summary of Ordinance 4193 approved by the Kirkland City Council for summary publication.

Kathy Anderson
City Clerk