



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3225 - www.kirklandwa.gov

ZONING CODE INTERPRETATION

NUMBER	CODE SECTIONS	EFFECTIVE DATE	APPEAL PERIOD
15-1	55.69.100 (TL 10A) and 55.75.140 (TL 10B) - Standards for Community Facilities and Section 5.143 (definition of "Community Facility"), and Section 5.279 (definition of "Entertainment, Cultural and/or Recreational Facility").	February 11, 2015	February 25, 2015

BACKGROUND:

Ordinance 4372, adopted on August 7, 2012, provided consistency in terminology used for entertainment, cultural and recreation uses in various zones. The amendments changed the definition for "Commercial Recreation Area and Use" to eliminate the distinction between "for profit" and "not for profit", provided a new definition for "Entertainment, Cultural and/or Recreational Facility"; changed the definition of "Community Facility" to eliminate the reference to nonprofit recreational facilities and performing arts centers, and repealed the definition for "Athletic Instructional Facility." Ordinance 4372 also added the "Entertainment, Cultural and/or Recreational Facility" use listing to the TL 10C, TL 10D and TL 10E zones, as well as other zones in Totem Lake, but not to the TL 10A or TL 10B zones.

ISSUE:

At issue is whether a use that would be allowed within the "Entertainment, Cultural and/or Recreational Facility" listing, such as a performing arts center or dance studio, is allowed within the TL 10A and TL 10B zones even though the "Entertainment, Cultural and/or Recreational Facility" use is not included as a permitted use in those zones.

The TL 10A and TL 10B zones contain a use listing for "Government Facility or Community Facility", which combines two defined uses. A "Government Facility" (5.335) is defined as "A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this code". A "Community Facility" (5.153) is defined as "A use which serves the public and is generally of a public service, noncommercial nature, such as food banks, clothing banks, and other nonprofit social service organizations." Other TL 10 zones (TL 10C, 10D and 10E) also contain a use listing for an "Entertainment, Cultural and/or Recreational

zones. For consistency, the development standards in place for the “Government Facility or Community Facility” use listing (in TL10A and TL10B) should be applied to uses allowed under the “Entertainment, Cultural and/or Recreational Facility” listing in each zone.

APPEAL PERIOD AND PROCEDURE TO APPEAL:

Any person who is aggrieved by this interpretation may appeal it. An appeal, in the form of a letter of appeal and appeal fee established by ordinance, must be delivered to the Planning & Community Development Department by 5:00 p.m. on February 25, 14 days following the date the interpretation was posted to the City of Kirkland website. The letter of appeal must indicate how the interpretation affects the appellant’s property and present any relevant arguments of information on why the interpretation should not be issued.



Eric R. Shields, AICP, Planning Director

Effective date: February 11, 2015